



*For Office Use Only*  
Application#: HTZC 26-01  
Date Received: 3-2-2026  
Hearing Date and Time: 3-30-2026 @ 7:00pm

Harlem Township Zoning Commission  
3883 S St. Rt. 605, Galena, Ohio, 43021  
[www.harlemtwp.com](http://www.harlemtwp.com)

## Application to Amend the Text of Township Zoning Resolution

Date: 3-2-2026

Application # HTZC 26-01

Application submitted by: Zoning Commission

Street Address: 3883 South State Route 605

City, State, Zip: Galena, Ohio 43021

Proposed Changes:

New Article(s) for adoption: \_\_\_\_\_

Revisions in Existing Article(s): Article IV regarding the definition of "barn" and "net developable area". Also revisions to the following... 31.08, 32.06, 33.07 D., 34.07 E., 35.07 E., 36.08 E.

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#### Article IV – Definition of Terms

NET DEVELOPABLE AREA (ACREAGE): A land area measured in acres determined by deducting 10% of the ~~subdivision's~~ gross acreage for streets and utilities, and by deducting all otherwise unbuildable areas, as follows: A. Jurisdictional wetlands, as defined by the US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of: a) hydric soils, b.) hydrophytic vegetation, and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation and are poorly drained soils which are periodically inundated or saturated). B. Floodplains: Areas that lie within a FEMA 100-year floodplain, either within elevations determined by FEMA or mapped by FEMA. C. Slopes greater than 20%, including ravines shown to be critical resource areas on the Delaware County Regional Planning Comprehensive Plan. D. ~~Utility~~ ~~Utilities~~ rights-of-way, ~~and recorded easements and currently existing utilities. for above-~~ ~~and in-ground pipelines and currently existing utility structures such as above-~~ ~~and in-ground pipelines or overhead electric transmission (not local service) wires that exist prior to the application.~~ ~~and currently existing utilities.~~ ~~for above-~~ ~~and in-ground pipelines and currently existing utility structures such as above-~~ ~~and in-ground pipelines or overhead electric transmission (not local service) wires that exist prior to the application.~~ E. Existing bodies of water.

## Article IV – Definition of Terms

### Section 4.01

BARN: An ~~accessory~~ structure ~~upon a lot~~ customarily used for the housing of livestock and/or for the storage of crops and/or machinery or equipment used in bona fide agricultural activities as previously defined in this Article.

## **Article XXXI Section 31.08 – Condition of Approval**

~~Unless otherwise excluded by resolution approved by the Board of Trustees, no real property shall be included in an Application and Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code and in which Harlem Township is a contracting party (a “JEDD”). No Application and Development Plan shall be approved unless this condition is met at the time of filing the complete Application. In the event that a JEDD is not yet in existence at the time of filing of an Application, an Applicant shall include as part of the development text contained in the Development Plan a requirement that the Applicant shall affirmatively take all steps necessary to assist in the creation of a new JEDD in which Harlem Township is a contracting party by agreeing to add all real property put to a commercial or mixed use in a new JEDD. In the course of assisting in the creation of this new JEDD, the Applicant shall be required to obtain an executed petition or petitions that fulfill the statutory requirements of R.C. 715.72(J) from the owner(s) of record, and the owner(s) of any businesses operating thereon, for any property included in the Application and Development Plan that is put to a commercial or mixed use, to effectuate and acknowledge said property owner(s) and business owner(s) consent and subjection to the JEDD. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property put to a commercial or mixed use that is part of an Application has joined a JEDD as required herein~~

Unless otherwise excluded by resolution approved by the Township Trustees, no real property shall be included in an Application and Development Plan unless the Application and Development Plan provides the Applicant’s intent and commitment to enter into a development agreement with the Township containing terms satisfactory to the Township (the “Economic Development Agreement”). Such Economic Development Agreement terms may include, but are not limited to, the property’s and uses’ voluntary involvement and participation in one or more economic development programs, such as and without limitation, a New Community Authority, Joint Economic Development District, and/or Tax Increment Financing District. No Application shall be approved unless this condition of providing the Applicant’s intent and commitment to enter an Economic Development Agreement is met at the time of filing the complete Application. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property that is part of an Application has fulfilled this condition by the preparation, finalization, and execution of such a development agreement. In the event that the Agreement has not been finalized and/or executed at the time the Township Trustees are considering taking action on the Application and Development Plan, the Trustees in their sole and absolute discretion may approve the Application and Development Plan subject to condition(s), which may include, but are not limited to, a condition that the Economic Development Agreement shall be finalized and executed within six (6) months following such approval.

## **Article XXXII Section 32.06 – Condition of Approval**

~~Unless otherwise excluded by resolution approved by the Township Board of Trustees, no real property shall be included in an Application and Development Plan unless said property is a part of an existing New Community Authority or a petition has been filed to initiate a New Community Authority for said property in accordance with Ohio Revised Code Chapter 349. No Application and Development Plan shall be approved unless this condition is met at the time of filing the complete Application. In the event that an NCA is not yet in existence at the time of filing of an Application, an Applicant shall include as part of the development text contained in the Development Plan a requirement that the Applicant shall affirmatively take all steps necessary to assist in the creation of a new NCA by agreeing to add all real property be put to an NCA. In the course of assisting in the creation of this new NCA the Applicant shall be required to obtain fulfil all statutory requirements of Ohio Revised Code Chapter 349. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property that is part of an Application has joined an NCA as required herein.~~

Unless otherwise excluded by resolution approved by the Township Trustees, no real property shall be included in an Application and Development Plan unless the Application and Development Plan provides the Applicant's intent and commitment to enter into a development agreement with the Township containing terms satisfactory to the Township (the "Economic Development Agreement"). Such Economic Development Agreement terms may include, but are not limited to, the property's and uses' voluntary involvement and participation in one or more economic development programs, such as and without limitation, a New Community Authority, Joint Economic Development District, and/or Tax Increment Financing District. No Application shall be approved unless this condition of providing the Applicant's intent and commitment to enter an Economic Development Agreement is met at the time of filing the complete Application. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property that is part of an Application has fulfilled this condition by the preparation, finalization, and execution of such a development agreement. In the event that the Agreement has not been finalized and/or executed at the time the Township Trustees are considering taking action on the Application and Development Plan, the Trustees in their sole and absolute discretion may approve the Application and Development Plan subject to condition(s), which may include, but are not limited to, a condition that the Economic Development Agreement shall be finalized and executed within six (6) months following such approval.

Section 33.07.D. Determining the Number of Dwelling Units Permitted - The permitted density is noted in Table 33.1.

Table 33.1 Maximum Dwelling Units Per Net Developable Acre

3

~~For purposes of this Article, net developable acreage shall be defined as the gross acreage minus undevelopable land such as existing rights of way and recorded easements and significant features of the land such as steep slopes, floodplains, and significant tree stands as determined by the Zoning Commission. In no such case shall the net developable acres be less than 70 percent of the gross tract acres.~~ **Net Developable Acreage is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).**

Section 34.07.E. Number of Dwelling Units Permitted: Applicants shall adhere to the standard of a maximum of eight (8) dwelling units per net acre in the MU-A District and twelve (12) dwelling units per acre in the MU-B. Density shall be calculated on the net developable acreage of tracts proposed for development. ~~Net developable acreage shall be defined as the gross acreage minus undevelopable land such as existing rights of way and recorded easements and significant features of the land such as steep slopes, floodplains, and significant tree stands as determined by the Zoning Commission.~~ **Net Developable Acreage is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).**

Section 35.07.E. Number of Dwelling Units Permitted: Applicants shall adhere to the standard of a maximum of eight (8) dwelling units per net developable acre. ~~Net developable acreage shall be defined as the gross acreage minus undevelopable land such as existing rights of way and recorded easements and significant features of the land such as steep slopes, floodplains, and significant tree stands as determined by the Township Trustees.~~ **Net Developable Acreage is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).**

Section 36.08.E. Number of Dwelling Units Permitted - Applicants shall adhere to the standard of a maximum of eight (8) dwelling units per net developable acre. ~~For purposes of this Article, net developable acreage shall be defined as the gross acreage minus undevelopable land such as existing rights of way and recorded easements and significant features of the land such as steep slopes, floodplains, and significant tree stands as determined by the Zoning Commission. In no such case shall the net developable acres be less than seventy percent (70%) of the gross~~

~~tract acres.~~ Net Developable Acreage is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).