

ARTICLE IV – DEFINITION of TERMS

Section 4.01

All words used in the text of this Zoning Resolution, unless otherwise defined below shall be given the precise meaning as stated in Webster’s Unabridged Dictionary, most recent published edition.

Interpretation of terms of words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The word “lot” includes the words “plot”, “tract”, or “parcel”.
- E. Pronouns identifying individuals by gender are interchangeable.

ACCESSORY SOLAR ENERGY: A solar collection system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

ACCESSORY USE (or STRUCTURE): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “Accessory Use” includes anything of a subordinate nature attached or detached from a principal structure or use, such as sheds, garages, parking places, decks, poster panels, and billboards.

ADVANCED MANUFACTURING: A use that involves computer technology, robotics, or other innovation to improve a product or process.

AGRICULTURE: As used in section ORC§519.02 to ORC§519.25 of the Revised Code, “agriculture” includes farming, ranching, algaculture meaning the farming of algae, aquaculture, apiculture, horticulture, floriculture, viticulture, animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, provided that the operation of any such accessory uses shall be secondary to that of

normal agricultural activities. However, the cultivation, processing or retail dispensing of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall not be permitted in any zoning district.

AGRICULTURE TECHNOLOGY: Research and development in agriculture, horticulture, and aquaculture with the aim of improving yield, efficiency, sustainability, and profitability. Agricultural technology can be products, services or applications derived from agriculture that improve various input/output processes.

AIRPORT: Any runway, landing area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

ANIMAL SHELTER: Shall be defined as an establishment, especially one supported by contributions, that provides a temporary home for dogs, cats, and other animals that are in need of rehabilitation and/or offered for adoption.

ASSISTED LIVING FACILITY: A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted living centers exclude nursing homes and other special housing facilities as elsewhere defined.

AUTOMOBILE ORIENTED USES: A use where a patron places an order on site and waits for a product to be prepared without the need to exit his/her vehicle. It also includes services rendered directly on, to, or for vehicles. Such uses include but are not limited to drive through or drive-in restaurants with ordering areas, drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new and used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition. This definition does not include Pick Up or Banking Windows.

AUTOMOTIVE, RECREATIONAL VEHICLE, AND BOAT REPAIR: The repair rebuilding or reconditioning of motor vehicles, recreational vehicles, boats, or parts thereof including collision service, painting and steam cleaning of vehicles and boats.

AUTOMOTIVE, MOBILE HOME, BOAT, RECREATIONAL VEHICLE, AND FARM IMPLEMENT - SALES AND SERVICE: The sale, service, or rental of new and used motor vehicles, mobile/manufactured homes, boats, recreational vehicles, or farm implements; to be displayed, sold, or serviced on the premises.

AUTOMOTIVE WRECKING OR SALVAGE: The dismantling or wrecking of used motor homes, mobile/manufactured homes, trailers, automobiles, trucks, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

BANK: A financial institution licensed to receive deposits and make loans. Such use may also include financial services including but not limited to wealth management, currency exchange, and safe deposit boxes.

BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

BEVERAGE SALES, MICROBREWERY: See Microbrewery.

BEVERAGE SALES, MICROWINERY: A limited production winery, typically producing, bottling, and selling wines on-site or for local distribution and typically purchases its grape product from an outside supplier or an off-site vineyard. A Microwinery may operate a tasting room or may offer a limited or full food menu.

BIOTECHNOLOGY: A use designed to manipulate living organisms or their components to produce useful, common commercial products. This type of use shall be fully enclosed by four solid walls and a roof.

BOARD AND BATTEN: A type of siding where thin strips of wood molding, or battens, are placed over the seams of panel boards.



Board and Batten: truloqsiding.com

BOARDING KENNEL: Any lot or premise where 4 or more domesticated animals over four months of age are housed, boarded, groomed, or trained and which may offer minor medical treatment.

BORROW PIT: Site where dirt, sand, or gravel is excavated and removed from the location for a period of less than a year.

BRICK: A type of siding or veneer for decorative covering for exterior walls.



Brick Siding: buildwithrise.com

Brick Siding: tvdbuild.com

BUFFER STRIP: A land area used to visibly separate one use from another or to shield or block noise, light, or other nuisances.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING HEIGHT: The vertical distance to the highest point of the roof measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.

BUILDING LINE: (See SETBACK LINE)

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use for the lot on which said building is situated.

BUSINESS, RETAIL: A use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

BUSINESS, SMALL RETAIL: A Retail or Wholesale business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, MEDIUM RETAIL: A Retail or Wholesale business that is up to twenty (20,000) square feet in area.

BUSINESS, LARGE RETAIL: A Retail or Wholesale business that is twenty thousand (20,000) square feet in area or larger.

BZA: The Board of Zoning Appeals of Harlem Township

CEMETERY: Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial watercourse with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY-CARE: Administering to the need of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24 hour day in a place or residence other than the child's own home.

- A. Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purpose of this definition, any children under 6 years of age who are related to the licensee, administrator, or employees and who are on the premises shall be counted.
- B. Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purpose of this definition, any children under 6 years of age who are related to the licensee, administrator, or employees and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of

children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

- C. Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CLEAR FALL ZONE (SOLAR ENERGY): An area surrounding a ground/pole mounted or other structure mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the lot and will not intrude onto a neighboring property.

CLINIC: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical attention.

CLUB: An organization of persons for special purposes or for the promotion or enjoyment of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

COMMERCIAL RECREATIONAL FACILITY, LARGE: A facility that is full enclosed by four (4) solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than five thousand (5,000) square feet.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR: A facility that is not fully enclosed by four (4) solid walls for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

SMALL, OUTDOOR RECREATIONAL FACILITY: Less than five thousand (5,000) square feet.

LARGE, OUTDOOR RECREATIONAL FACILITY: Five thousand (5,000) square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, SMALL: A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than five thousand (5,000) square feet.

COMMON ACCESS DRIVE (CAD): A privately constructed, owned and maintained drive serving two or more residences within a platted ingress/egress easement, properly shown on a subdivision plat approved by the County Engineer in accordance with these Regulations.

COMMUNITY SERVICES: Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

COMMUNITY SOLAR: Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system.

COMPREHENSIVE DEVELOPMENT PLAN: A plan or any portion thereof, adopted by the township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Administrator/Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONTRACTOR OFFICE: A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

CORNER LOT: (See LOT TYPES)

CUL-DE-SAC: (See THOROUGHFARE)

CURBSIDE PICKUP: A service offered by retailers and eating and drinking establishments where a customer places their order online and drives to pick it up. Curbside pickup models have designated parking areas near the store entrance, and when the order is ready, a store associate brings the order out to the customer's car.

DATA CENTER: Real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including power and cooling equipment, used to provide data and transaction processing services.

DAY-CARE CENTERS: Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

DEAD END STREET: (See THOROUGHFARE)

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

- A. Gross Density: The number of dwelling units per acre of the total land to be developed.

- B. Net Density: The number of dwelling units per acre of land when the acreage involved excludes streets, easements, water, open spaces, driveways, parking areas, and any other paved areas.

DENSITY BONUS OR INCENTIVE: An increase in the number of allowable dwelling units per acre granted for some specific reason, as provided for in the zoning regulations.

DISTRICT: A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

DRIVE THROUGHS: A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit his/her vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas stations, fixed parcel pick up, and pick up - banking window.

DOMESTIC ANIMALS: Shall be defined as an animal, such as a dog or cat, that has been tamed and kept by humans as a pet; a house pet.

DWELLING: A building or portion thereof used exclusively for residential purposes, including single -family, two-family, and multiple-family dwellings, but not including hotels and boarding and lodging houses.

DWELLING, COMMON WALL: A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, MULTI-FAMILY: A building designed or used primarily as a residence with four (4) or more dwelling units.

DWELLING, THREE FAMILY: A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: See Dwelling, Common Wall.

DWELLING, ROW HOUSES, TOWNHOMES (UP TO FOUR UNITS PER BUILDING): Each unit features its own entrance, living spaces, kitchen, and bathroom. Units may share walls with adjacent units and may include shared outdoor spaces.

DWELLING, STUDIO, ONE-OR TWO-BEDROOM UNITS: A studio consists of a single room that combines living, sleeping, and kitchen areas. One-bedroom units have a separate bedroom, while two-bedroom units feature two distinct bedrooms.

EARLY CHILDHOOD EDUCATION CENTER: An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

EASEMENTS: Authorization by a property owner for the use by another entity and for a specified purpose, of any designated part of his property.

ESSENTIAL SERVICES: Erection, construction, alteration, or maintenance by public utilities or other governmental agencies of underground or overhead gas, electrical, steam, water transmission or distribution systems.

EQUIPMENT REPAIR, LARGE: A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contractor's equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL: A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FACTORY-BUILT-HOUSING: Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon the site. For the purpose of the Resolution, "factory-built housing" shall include the following:

- A. Permanently sited Manufactured home(s): a factory-built structure meeting the following criteria:
 - 1. Constructed pursuant to the HUD code (Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401) and manufactured after January 1, 1995;
 - 2. Attached to a permanent foundation in accordance with the Building Code of Delaware County;
 - 3. Connected to the appropriate utilities;
 - 4. Minimum width of 22', minimum length of 22' as manufactured;
 - 5. Minimum 900 square feet of living space, or the minimum required by this Zoning Resolution;
 - 6. Conventional residential siding;
 - 7. Minimum 6" eave overhang;
 - 8. Meets all applicable zoning requirements that are uniformly imposed on all single family dwellings in the district except requirements that specify a minimum roof pitch and requirements that do not comply with standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act."

- B. Manufactured Home: Any non-self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) feet or more in width and forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which conforms with the Federal Manufactured Housing Construction

and Safety Standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows (ORC 4501.01). For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks or other foundation, connection to utilities and the like.

- C. **Mobile Homes:** A non-self-propelled dwelling unit built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty five (35) feet in length, which when erected on site is a minimum of three hundred twenty (320) square feet, that is transportable in one or more sections and which does not qualify as a manufactured home. Mobile homes were constructed prior to, and do not conform to the 1974 HUD standards for manufactured homes. "Mobile home does not include travel trailers."

FAMILY: A person living alone, two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FIBER CEMENT: An exterior cladding, or siding, made from cement and reinforced with cellulose fibers.



Fiber Cement: Sunshinecontractingcorp.com

FLEX-OFFICE LABORATORIES: A space for a combination of office and laboratory uses that has buildout capabilities to meet individual needs.

FLEX-OFFICE – RETAIL: A space with store fronts with small rear warehousing that has buildout capabilities to meet individual needs.

FLEX-OFFICE WAREHOUSES: A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by a regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. A regional flood generally has an average frequency of the 100 year recurrence interval flood.

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA, RESIDENTIAL: The square foot area of a residence using the outside dimensions to compute the square footage, exclusive of open porches, terraces, garages, exterior stairways, breezeways and basements.

FLOOR AREA, NON-RESIDENTIAL: The square foot area of a building using the outside dimensions to compute the square footage, excluding stairs, washrooms, and elevator shafts.

FULL CUTOFF LIGHTING FIXTURE: A fixture with a shield or hood that limits light distribution such that no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.

GARAGE, PUBLIC: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no servicing shall be provided for remuneration.

GARAGE, SERVICE STATION: Any premise where gasoline or other petroleum products are sold and/or light maintenance activities, such as engine tune-ups, lubrication, and minor repairs are conducted. Service stations shall not include premises where heavy maintenance activities such as engine overhauls, vehicle painting, and body/fender work are conducted.

GROUP HOME: A facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State, and wherein (b) one (1) or more individuals are provided with room, board, specialized and distinctive care and supervision in a family environment, or where five (5) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment. The term "group home" shall include, without limitation by reason of enumeration, receiving homes, and work or wages homes.

HEALTH CARE FACILITIES: General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisted living, nursing homes, or other similar facilities providing health related services and may involve the overnight or long term stay of patients.

HOME OCCUPATION: Home occupation means an accessory use which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

HOTELS/MOTELS: An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. These establishments furnish customary services such as housekeeping, laundering of linens, telephone, secretarial or desk service, and the use of furniture. In a hotel, ingress and egress to rooms is made through an inside lobby,

while in a motel, access is typically direct from the parking area. Both types of establishments offer temporary, rental accommodations for transient persons, typically for no more than thirty (30) days at a time.

INSTITUTIONAL USES: Those uses organized, established, used or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

LANDSCAPE/HARDSCAPE BUSINESS: A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

LAYDOWN YARD: An open area, either paved or unpaved, used for the temporary storage, staging, or assembly of materials, equipment, vehicles, or supplies associated with an active project permitted in accordance with this Resolution, typically associated with construction, industrial, or utility operations. Laydown yards are not intended for permanent storage or commercial operations.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOGISTICS: A large building where material, products, or other manufactured goods are acquired, stored and transported to their final destination. There may be minimal production, processing, assembling or packaging of products or materials in these buildings.

LOT: For the purpose of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE: The percentage of a lot that is covered by buildings, structures, impervious surfaces, or other constructed improvements, including rooftops, pavement, mechanical equipment areas, and construction material/heavy equipment yards. ~~Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surfaces of all buildings, including covered porches and accessory buildings, by the gross area of the lot.~~

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street, road or approved easement. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT MEASUREMENTS: A lot shall be measured as follows:

- A. Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distance point on any other lot line where there is no rear lot line.
- B. Width: the horizontal distance between side lot lines measured at the required front setback line.

LOT, MINIMUM NET AREA OF: The area of a lot is computed exclusive of any right of ways.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots, flag lots, reverse frontage lots, and through lots is as follows:

- A. Corner Lot: A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. Corner lot shall meet the setback requirements for all road, streets, or alleys that they abut.
- B. Flag Lot: A lot with access provided to the bulk of the lot by means of a prescribed corridor.
- C. Interior Lot: A lot with only one frontage on a street.
- D. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- E. Reversed Frontage Lot: A lot on which frontage is at right angles to the general patterns in the area. A reversed frontage lot may also be a corner lot.

MACHINE SHOP: A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

MAJOR THOROUGHFARE PLAN: The portion of the comprehensive plan adopted by the Regional Planning Commission, County Commissioners, County Engineer or Harlem Township indicating the general location and size recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MAKER SPACE, LARGE: A facility that is five thousand (5,000) square feet or larger and serves as shared coworking space for independent craftsmen to produce, display, and sell woodwork, furniture, pottery, glass or other related items. The facility can also have shared office space.

MAKER SPACE, SMALL: A facility that does not exceed five thousand (5,000) square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass or other related items. No odor, fumes or excess noise may be produced at the facility.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings and structures devoted primarily to the maintenance and storage of raw materials, supplies, equipment or products.

MANUFACTURING: Any industry that makes products from raw materials by the use of manual labor or machinery. This definition also includes the compounding, processing, assembling and packaging of goods.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MICROBREWERY: A brewery that produces less than 15,000 barrels of beer per year and sells 75 percent or more of its beer off-site.

MIXED USE BUILDING: Mixed-use buildings must have dwelling units on the upper floors and have commercial uses on the ground floor and are generally part of a Mixed-Use Development.

MIXED USE DEVELOPMENT: A development that includes a mix of compatible uses such as retail, office, entertainment and various types of Multi-Family and Townhome Buildings or Mixed Use Building residential dwellings, and where these uses are developed at appropriate densities to allow them to be properly integrated in a pedestrian friendly manner to create a walkable community.

MOBILE HOME PARK: Any site, or tract of land under single ownership, upon which 3 or more manufactured/mobile homes used for habitation are parking, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

NATIVE SPECIES: Native plant species are those that occur naturally in a specific region without human introduction. They have adapted to local climates and ecosystems, providing essential food and habitat for wildlife. Native plants contribute to biodiversity, enhance soil stability, and are generally more resilient to local pests and diseases.

NECESSARY CONSTRUCTION EQUIPMENT: Any piece of equipment that is necessary for the construction of the buildings, parking, and other associated uses included as part of a development plan approved under the MU, CRCD and CVD overlay districts. Said equipment shall be in working order, licensed, and removed upon completion of the work associated with the approved development plan.

NEIGHBORHOOD OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

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, Miss. 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 Commission Comprehensive Land Use Plan.
- D. Utilities rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines or overhead electric transmission (not local service) wires that exist prior to the application.
- E. Existing bodies of water.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for sale on the premises including live products used for gardening and landscaping.

NURSING HOME: A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

OCCUPANCY/COMPLIANCE PERMIT: A required permit allowing occupancy or use of a building, structure, or lot after it has been determined by the Zoning Inspector that the building, structure, or lot meets all the applicable requirements of the Zoning Resolution.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL, LARGE: A building that is five thousand (5,000) gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL, SMALL: A building that is less than five thousand (5,000) gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and including such complementary structures and improvements as are necessary and appropriate.

OPEN SPACE, GREEN: An open space area not occupied by any structures or impervious surfaces.

PARK, COMMUNITY OR REGIONAL: A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARK, NEIGHBORHOOD: A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than five thousand (5,000) persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the county or township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERMANENT STRUCTURE: Any structure containing or enduring in the same state, status, place, or like, requiring a severing of its attachment, whether direct or indirect, from the ground in order to be moved.

PICK-UP OR BANKING WINDOW: A window used to pick up food, a prescription or other another similar product or where banking or financial services are conducted without a patron needing to exit his/her vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

PLACES OF ASSEMBLY, LARGE: Any facility or business where three hundred (300) or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL: Any facility or business where less than three hundred (300) individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and/or commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements for detailed comprehensive plans, additional to those of the standard subdivision, such as building locations, common open areas, building design principles, and landscaping plans.

PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be used off-site. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Includes "Community Solar Facility" as defined by statute or herein.

PRINCIPAL USE: The land use designation given to a legally defined parcel of land based upon the primary activity occurring on such parcel.

PUBLIC UTILITY: Publicly or privately owned facilities providing natural gas, water, oil, sewage, electricity, heat, light, telephone, or transportation services and which is recognized by the Public Utility Commission of the State of Ohio as being a public utility.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

RESEARCH AND DEVELOPMENT: A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY: As defined under ORC§5123.19 means a home or facility in which an individual with a developmental disability resides.

RESTAURANTS : An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

RIDING STABLE: A riding stable shall be defined as a facility, open to the general public, where a purpose of the facility is to supply time, to individuals or groups who do not own the horses stabled at said facility, for recreational riding or riding instruction, in exchange for a fee or other consideration.

RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

ROAD FRONTAGE: The edge of a parcel, tract, or lot which adjoins a county approved road or street. When a parcel, tract, or lot adjoins more than one county approved road or street, either frontage may be considered the front of the parcel, such parcel, tract, or lot shall meet the setback requirements for all adjoining roads, streets, or alleys as established by Article XXI of this Resolution.

ROOF, GABLE: A roof with two sloping sides and a gable at each end where the gable is not made of roofing materials but of siding matching the rest of the home's exterior.



Gable Roof: From iko.com

ROOF, GAMBREL: A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep.



Gambrel Roof: From design.medeek.com

ROOF, HIP: A roof that slopes upward from all sides of the structure, having no vertical ends.



Hip Roof: From homedit.com

ROOF, MANSARD: A roof with four sloping sides and a flat top where the four roof sections tilt downward toward the walls.



Mansard Roof: From homesthetics.net

SCHOOL, EARLY CHILDHOOD EDUCATION, ELEMENTARY, INTERMEDIATE, OR MIDDLE: A public or private institution providing educational services to children in preschool through the eighth grade.

SCHOOL, HIGH SCHOOL: A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades nine through twelve (9 – 12).

SCHOOL, INTERMEDIATE, OR MIDDLE: A public or private institution providing educational services to children in kindergarten through the eighth grade.

SCHOOL, POST-SECONDARY: A public or private institution providing educational or training services to individuals who have completed high school **or have an equivalent credential**.

SCHOOL, TECHNICAL: A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

SETBACK LINE: A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure may be located.

SEWERS, CENTRAL OR GROUP: A sewage disposal system approved by the Delaware County Sanitary Engineer and the OEPA, which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWERS, ON-SITE: A septic tank or similar installation approved by the Delaware Public Health District on an individual lot, which utilizes an aerobic bacteriological process or equally satisfactory process, for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Delaware Public Health District.

SEXUALLY ORIENTED BUSINESSES: Sexually Oriented Businesses (as defined in ORC 2907.39 and ORC 2907.40) shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

A. Adult Arcade: shall mean any place to which the public is permitted or invited, wherein, coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, are maintained to show images to five or fewer persons per machine at any one time, and where the images so display are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

B. Adult Bookstore or Adult Video Store: shall mean a commercial establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia, which are designed for use in connections with specified sexual activities.

C. Adult Cabaret: shall mean a nightclub, bar, restaurant, or similar commercial establishment, in which persons appear in a state of nudity in the performance of their duties.

D. Adult Motion Picture Theater: shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown fifteen percent (15%) or more of the total time open to the public

E. Adult Motel: shall mean a hotel, motel or similar commercial establishment which:
Offers accommodations to the public for any form of consideration; provides patrons closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic

reproduction which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic production; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of less than 10 hours.

- F. Adult Theater: shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or in live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.
- G. Escort Agency: shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
- H. Nude Model Studio: shall mean any place where a person who appears in a state of nudity, or displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- I. Sexual Encounter Center: shall mean a business or commercial enterprise that, as one of its primary business purposes, offers, for any form of consideration: Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and /or persons of the same sex when one or more persons is in a state of nudity or semi-nude.
- J. Specified Anatomical Areas: shall mean human genitals in a state of arousal.
- K. Specified Sexual Activities: shall mean and include any of the following:
The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- L. Nudity: means the showing of any of the following:
The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the female breast with less than a fully opaque covering on any part of the nipple.

SIGN: Text, illustrations, shapes, numbers, emblems, symbols, or images which are affixed to, portrayed, or depicted directly or indirectly upon any part of a Building, Structure, Lot, and/or Tract. This definition includes all Signs visible from any public right-of-way or adjacent property.

This definition shall not include text, illustrations, shapes, numbers, emblems, symbols, or images which provide basic identification or are incidental to an individual product not customarily used as a Sign nor shall they pertain to any such items which are primarily displayed for celebratory and/or decorative purposes and/or which may be typically erected seasonally or for a non-commercial annual or one-time event. Such items are prohibited from placement in the right-of-way.

SOLAR ARRAY: A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY: Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

SOLAR ENERGY EQUIPMENT: Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.

SOLAR ENERGY SYSTEMS: A system and associated facilities that collect Solar Energy, which may include, the following types:

INDUSTRIAL: A solar energy system that is designed for, or capable of, operation at an aggregate capacity of fifty (50) megawatts or more of power. Such systems are exempt from township zoning.

GROUND MOUNTED: A solar energy system that mounts a solar panel or panels and facilities on or attached to the ground.

INTEGRATED: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

ROOF MOUNTED TOP: A solar energy system that is mounted to a structure or building's roof on racks. Roof-mount systems are accessory to the primary use of a property.

SMALL SOLAR FACILITY: Pursuant to ORC 519.213 (A) (2), "Small Solar Facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) MW.

SOLAR PHOTOVOLTAIC (PV): The technology that uses a semiconductor to convert light directly into electricity.

STAINED GLASS: A decorative form of art that involves the use of colored pieces that are assembled into a design and held together by durable metal framing. They are typically used in windows or doors and have traditionally been utilized in churches.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, and billboards.

STONE: A type of siding or veneer for decorative covering for exterior walls.



Stone Siding: Versetastone.com



Stone Siding: Oldworldstoneveneer.com

SUBDIVISION: The division of any parcel into two or more parcels, sites, or lots, whether for immediate or future transfer of ownership for sale, development, or lease.

SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL: Any artificially constructed receptacle for water which contains or is intended to contain a depth of water at least 1.5 feet at any point used or intended to be used for swimming or bathing and maintained by an owner or manager, and cannot be seasonably removed, and includes any accessory recreational structures.

- A. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guest of a club, or the patrons of a motel or hotel; an accessory use.
- B. **Public:** Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET, OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. **Alley:** A minor street used primarily for vehicular service access to the back or side of the properties abutting on another street.
- B. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- C. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. **Dead End Street:** A permanent street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- F. **Local Street:** A street primarily for providing access to residential or other abutting property.
- G. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of 180 degrees system of turns are not more than approximately 1000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- H. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)

TRACT: The entire area included in a proposed development, which may include one or more parcels or lots.

USE: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

VETERINARY ANIMAL HOSPITAL, CLINIC, OR OFFICE: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, 4 feet or more in width, for pedestrian use only, whether along the side of a road or not.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL: A designed Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, and deigned for, or capable of, operation at an aggregate capacity of not more than one-hundred (100) kilowatts and is intended to primarily reduce on-site consumption of utility power.

WOOD: A type of siding made from wooden boards.



Wood Siding: Novausawood.com

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height installations and requirements limiting obstruction of visibility.

- A. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear line of the principal building to the rear lot line.

- C. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZERO LOT LINE DEVELOPMENT: An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets.

- A. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

ZONING INSPECTOR: The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions. This person may also be known as the Zoning Enforcement Officer.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE XXXV – COUNTY LINE ROAD OVERLAY DISTRICT (CLR)

Section 35.01 – PURPOSE

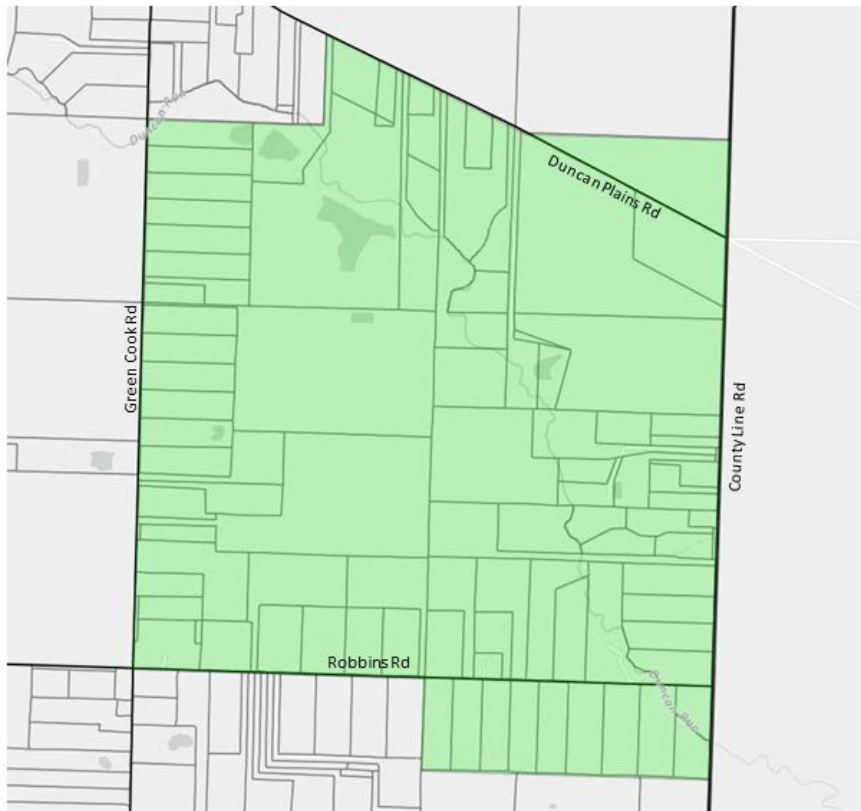
The County Line Road Overlay District (CLR) is created pursuant to Section 519.021(C) of the Ohio Revised Code to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. The CLR Overlay District achieves this purpose by allowing development that:

- A. provides an opportunity for an appropriate mix of uses while protecting the rural character of the township;
- B. allows for land uses that are in high demand such as advanced manufacturing and technology due to external development pressures;
- C. creates a diversity of housing options combined with commercial uses to prevent sprawling development;
- D. enables an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development;
- E. assures compatibility between proposed land uses through appropriate development controls;
- F. encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design and are consistent with applicable public plans for the area;
- G. requires water and sewer connectivity for future development while providing the opportunity for existing developments to tie into these systems where desired;
- H. allows for the pairing of economic development and other tools to discourage annexation and stay competitive with surrounding communities; and
- I. allows for the management and control of density on Harlem Township’s eastern boundary.

Section 35.02 – OVERLAY AREA

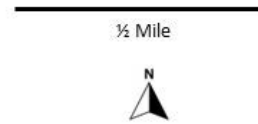
The CLR Overlay District is created pursuant to Section 519.021 (C) of the Ohio Revised Code and encompasses, includes and overlays all land bounded by the CLR Overlay District boundaries in Figures 35.1, 35.2, and 35.3 as of the effective date of this amendment to the Harlem Township Zoning Resolution on October 27, 2023. The CLR Overlay District is divided into three subareas: CLR Overlay Subarea A (CLR-A), CLR Overlay Subarea B (CLR-B), and CLR Overlay Subarea C (CLR-C). Any differences in regulations between Subareas A, B, and C will be listed in the following sections of this Article.

**Figure 35.1
Harlem Township
County Line Road
Overlay District
Subarea A**



Key

- Harlem Township Boundary
- Sub Area A

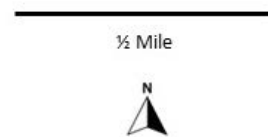


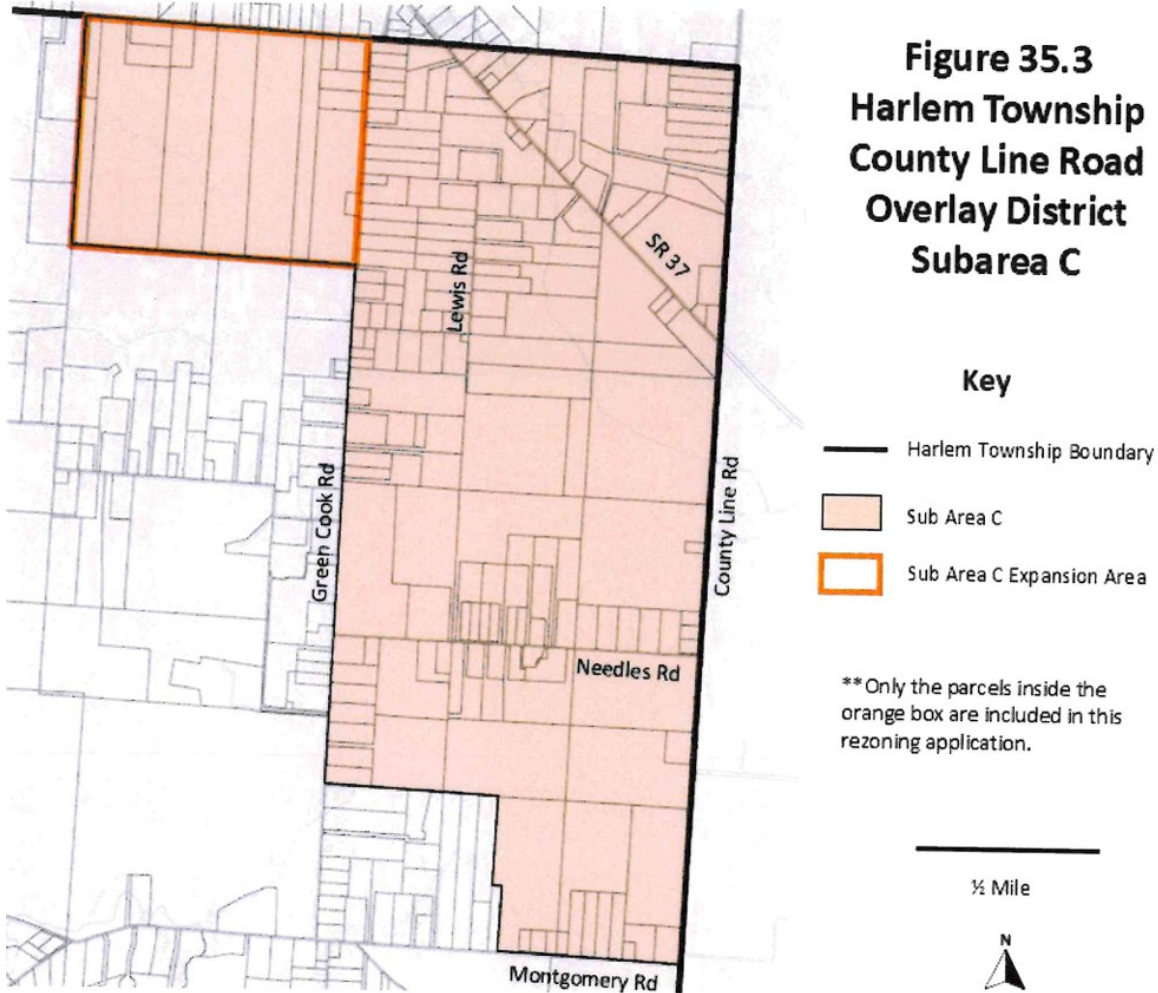
**Figure 35.2
Harlem Township
County Line Road
Overlay District
Subarea B**



Key

- Harlem Township Boundary
- Sub Area B





Section 35.03 – EFFECT OF CLR OVERLAY DESIGNATION

As of the effective date of this amendment, all land bounded by the CLR Overlay District boundaries in Figures 35.1, 35.2, and 35.3 is eligible for CLR Overlay Zoning.

The Harlem Township Zoning Resolution currently in place shall continue to apply to all property within the CLR Overlay District boundaries unless the Township Trustees approve an application by an owner of property within the CLR Overlay District boundaries to subject the owner’s property to the regulations of the CLR Overlay District. Such an application shall be made in accordance with the regulations of Article XXXI and Article XXXV of the Township Zoning Resolution and shall include a Development Plan in compliance with the regulations of said Articles.

Upon receiving such an application, the Zoning Commission shall determine whether the application and Development Plan comply with the regulations of Article XXXI and Article XXXV.

If the Zoning Commission determines that the application and Development Plan do not comply with the regulations of Article XXXI and Article XXXV of the Township Zoning Resolution, the Zoning Commission shall recommend denial of the application. If the Zoning Commission determines that the application and Development plan complies with the regulations of Article XXXI and Article XXXV of the Township Zoning Resolution, the Zoning Commission shall recommend approval of the application.

If the Township Board of Trustees determines that the application and Development Plan do not comply with the regulations of Article XXXI and Article XXXV, the Township Board of Trustees shall deny the application. If the Township Board of Trustees determine that the application and Development Plan comply with the regulations of Article XXXI and Article XXXV, it shall approve the application, and cause the zoning map to be changed so that the underlying zoning no longer applies to such property, with the property being thenceforth located in the CLR Overlay District and subject to the regulations hereunder. The approval of the application and Development Plan and the removal of the prior zoning from the zoning map is an administrative, ministerial act and shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

Section 35.04 – PERMITTED AND ACCESSORY USES

- A. Each CLR subarea includes a list of permitted and accessory uses. If a use is not listed as permitted or accessory in a CLR subarea, it shall be considered prohibited in said subarea. See Table 35.1.
- B. Permitted Uses. Uses listed as permitted are allowed by a matter of right when designated as such in a CLR subarea. Such uses are designated with a “P” in each CLR subarea.
- C. Accessory Uses. Uses listed as accessory uses may be allowed when designated as such in a CLR subarea, provided it is subordinate to the permitted use. Such uses are designated with an “A” in each CLR subarea. Accessory service buildings and structures are incidental and pertinent to a permitted use where said accessory service buildings and structures are necessary to the pursuit of a permitted use on the premises.

Table 35.1 PERMITTED AND ACCESSORY USES

| | CLR- A | CLR - B | CLR- C |
|--|--------|---------|--------|
| Accessory Structures | A | A | A |
| Agriculture Technology | | P | P |
| Advanced Manufacturing | | P | P |
| Assisted Living Facility | P | P | |
| Bank | P | | |
| Beverage Sales, Microbrewery | P | P | |
| Beverage Sales, Microwinery | P | P | |
| Biotechnology | | P | P |
| Business, Retail Small (No Automobile Oriented Uses) | P | P | |
| Commercial Recreation Facilities, Large | | P | P |
| Commercial Recreation Facilities, Outdoor | P | P | |
| Commercial Recreation Facilities, Small | P | P | |
| Communication Facilities and Utility Sub Station | P | P | P |
| Community Services | P | P | |
| Contractor Office | | P | P |
| Data Processing Center | | P | P C* |
| Day Care Centers | P | P | P |
| Dwelling, Common Wall Single Family | P | P | P |
| Dwelling, Multi-Family | P | P | P |
| Dwelling, Row Houses, Townhomes (up to four units per building) | P | | |

| | CLR- A | CLR - B | CLR- C |
|---|--------|---------|--------|
| Dwelling, Studio, One or Two Bedroom Units | P | | |
| Equipment Repair, Large | | P | P |
| Equipment Repair, Small | | P | |
| Flex-Office - Laboratories | | P | P |
| Flex-Office – Retail | | P | |
| Flex-Office -Warehouse | | P | P |
| Health Care Facilities | P | P | |
| Hotels/Motels | P | P | P |
| Independent Senior Living Facilities | P | P | |
| Institutional - Art Galleries, Libraries, and other similar uses | P | | |
| Landscape and Hardscape Businesses | | P | |
| Logistics | | P | P |
| Machine Shop | | P | P |
| Maker Space, Large | | P | P |
| Maker Space, Small | P | P | P |
| Manufacturing | | | P |
| Mixed Use Building, Comprised of Uses Listed in Table 35.1 | P | | |
| Nursing Home | P | P | |
| Offices, Large Administration, Business Medical or Professional | | P | P |
| Offices, Small Administration, Business Medical or Professional | P | P | |
| Outdoor Recreation Facility | P | P | |
| Park, Community or Regional | P | P | P |
| Park, Neighborhood | P | P | |
| Places of Assembly, Large | | P | A |
| Places of Assembly, Small | P | P | A |
| Research and Development | | P | P |
| Restaurants without Auto Oriented Uses | P | P | |
| School, High or Technical | P | P | P |
| School, Post Secondary | P | P | |
| School Early Childhood Education, Elementary, Intermediate, or Middle | P | P | |
| Solar Energy Systems, Roof Mounted | A | A | A |
| Wind Energy Conversion Systems, Individual | A | A | A |

**C = Conditional Use (subject to Section 35.08)*

Section 35.05 – PROHIBITED USES

- A. Uses not specifically authorized as Permitted Uses in this Article of the Township Zoning Resolution are prohibited.

- B. The outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen consecutive (14) days is prohibited, except for necessary construction equipment that is in working order.
- C. No recreation trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district. If a structure is located on said lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum setback line established by this resolution, the restrictions in the plat or deed or the Development Plan.
- D. Except as specifically permitted, no mobile home or mobile office structure shall be placed or occupied in this district.
- E. No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Township Board of Trustees. The Township Board of Trustees shall also retain any and all statutory authority that it may be afforded regarding nuisances, including but not limited to the authorities provided in Section 505 of the Ohio Revised Code.
- F. No commercial or business activity shall be conducted in a unit designed for residential use except for Limited Home Occupations.
- G. Automobile oriented uses shall be prohibited in Subareas A and B. This does not include pick up and banking windows or curb side pick-up as defined in this Resolution.
- H. No large retail shall be permitted.
- I. No cement, asphalt, or similar plants shall be permitted.
- J. No overnight truck loading, unloading, or engine idling shall be permitted within 200 feet of a residential use.
- K. No outdoor gun ranges shall be permitted.

Section 35.06 – PROCEDURE TO APPLY FOR A COUNTY LINE ROAD OVERLAY

- A. The CLR Overlay District is a Mixed-Use Overlay District and subject to the procedures in Article XXXI.

Section 35.07 – CLR DEVELOPMENT PLAN STANDARDS

- A. All proposed developments in the CLR Overlay District shall follow the procedures outlined in Article XXXI.
- B. Minimum tract size for a CLR Overlay District Subdivision – Twenty-five (25) acres.
- C. Open Space – At least twenty percent (20%) of the gross tract acreage shall be designated as permanent open space, such as a central green area within the development, not to be further developed. Gross tract acreage is defined as all of the acreage in the proposed development, including features such as

wetlands and steep slopes to be considered as open space. Open space locations and uses shall be identified on the Development Plan and shall be subject to the approval of the Board of Township Trustees. Open space shall be owned, administered, and maintained as identified on the Development Plan. With prior consent through resolution of the Board of Township Trustees land may be transferred to the Township for public purposes if approved as a part of the Development Plan. Uses of land transferred to the Township for public purposes must be approved as a part of the Development Plan and may include but are not limited to trails and active recreation uses. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Board of Trustees. Open space may be maintained by a private entity. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan. Funding generated through a New Community Authority (NCA) or a Joint Economic Development District (JEDD) or similar funding mechanisms may be used to build and maintain the required open space.

D. Site Design Standards:

1. The purpose of the design standards is to create a unified development and design approach to the CLR development area. Due to the unique nature of the Overlay District, these standards, unless otherwise noted, will supersede any general design standards including but not limited to lighting, landscaping, and sign standards found within the Township Zoning Resolution. The following standards shall apply to all uses and developments within the CLR Overlay District.
2. The bulk, height, and surface materials of buildings within the proposed development shall be compatible with the surrounding area. Buildings, structures, and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic, or cultural features and minimize environmental impacts.
3. Retain or restore native vegetation adjacent to wetlands and surface waters.
4. Preserve existing hedge and tree lines unless one or more of the following applies:
 - a. A majority of the trees are dead, diseased, dying, or invasive or;
 - b. A road widening as determined by a state, county, or local road department is required.
5. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
6. Preserve historic or archaeological sites (e.g. earthworks, burial grounds, etc.).
7. Retain or restore native vegetation in common areas.
8. Include a viable pedestrian circulation system, meaning a minimum of a ten (10) foot wide walking path throughout the development or along adjacent existing roadways to provide for connection to surrounding developments (existing and potential). The design of these paths shall be in accordance with Section 35.07J.

9. Protect natural drainage swales and creeks. No construction of buildings is allowed inside the 100-year floodplain. In addition, no structures are permitted within 100 feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer.
- 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.
- F. Sewage Disposal – Central water and sewer services shall be required when an owner subjects its property to the CLR overlay and the applicable Water and Sewer District certifies that central services are available with adequate capacity to service the proposed uses. If central water and sewer are not available, as determined by the applicable Water and Sewer District, the Township Trustees may allow for limited uses to be developed utilizing on-site water and sewer systems and/or holding tanks when it is determined by the Delaware County Health Department or Ohio Environmental Protection Agency, as applicable, that such uses can be adequately serviced by on-site systems. The development plan, as approved by the Board of Township Trustees, shall include language requiring the buildings and uses approved for on-site systems to tie into the central water and sewer services when such services are available and to abandon any on-site systems in accordance with the requirements of the agency with jurisdiction over said on-site systems.

Section 35.07F only applies when an owner subjects its property to and develops under the CLR overlay district regulations. Nothing in this section shall preclude any existing residential use, in the underlying zoning district that has not subjected itself to the CLR overlay district, from continuing to utilize an approved-on site water and septic system.

- G. Stormwater – Features shall be designed to manage stormwater retention/detention and prevent erosion, flooding or standing water within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas and prevent any upstream or downstream impacts. No water shall be allowed to be released above and beyond what was released pre-development. Regional retention/detention ponds and wetlands shall be utilized with soft edges in order to integrate the stormwater detention features into the natural landscape and effectively manage stormwater without the excessive use of multiple ponds.
- H. Subdivision Standards – Public streets and all drainage improvements shall conform to the subdivision standards for Delaware County, Ohio or as otherwise approved per the Development Plan. Standards for any private drives shall be approved as part of the Development Plan including but not limited to minimum width and pavement type.
- I. Pavement Standards for Parking Lots – Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road.
- J. Paths – A ten (10) foot wide multi-use path is required for all developments. In CLR-A, this path shall be constructed as to meander through the development, taking the rural character of the area into consideration and being paired with landscaping and open space. In CLR-B and CLR-C, paths may be

approved to be located only along main roads to build regional connections within these Overlay District. The Township may also require paved or unpaved walkways to connect residential areas and open spaces.

- K. Street Trees – Deciduous, broad leaf native street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of all roadways.
- L. Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the right-of-way of Green Cook and Center Village Roads. A one hundred (100) foot prairie buffer must be established from the right-of-way from any other existing township, county, or state road. This buffer shall account for a percentage of the required twenty percent (20%) open space. For purpose of this Overlay, the proposed right-of-way shall be considered:

State Route 37, South and North County Line Road, Trenton Road, and Center Village Road – seventy-five (75) feet from centerline.

Needles Road, Montgomery Road, and Green Cook Road – fifty (50) feet from centerline.

All other local roads – thirty (30) feet from centerline.

- 1. A two hundred (200) foot woodland buffer, when required, shall consist of a minimum of forty (40) feet in width of native vegetation and trees and shall mimic the natural condition of a forest edge for the purpose of greatly reducing noise pollution and visual impacts of the development from any state, county or township road. This forty (40) foot area shall comply with the requirements in Table 35.2.
- 2. A one hundred (100) foot prairie buffer, when required, shall comply with the requirements in Table 35.3.
- 3. The image in Figure 35.4 shows the ideal woodland buffer where grasses, sedges, and perennials give way to woody shrubs, before finally transitioning to small flowering trees and young canopy trees. The graphic in Figure 35.5 shows the typical prairie buffer.

Figure 35.4

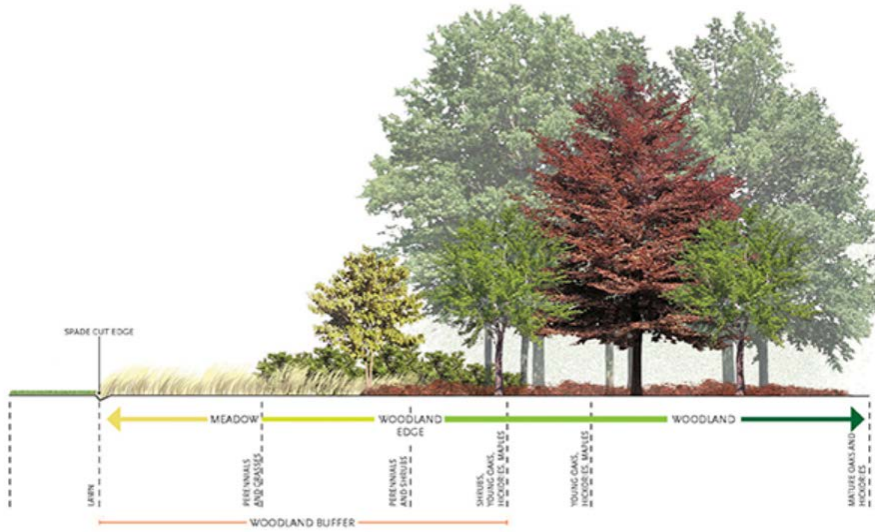


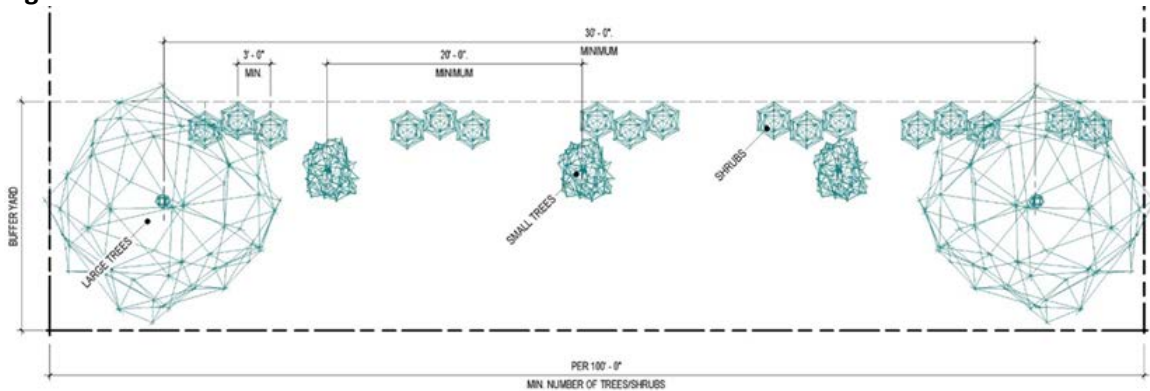
Table 35.2 Woodland Buffer

| Woodland Buffer CLR Overlay District | | | |
|---|-----------------------|-----------------------|------------------|
| Min. # of trees and shrubs per one hundred (100) lineal feet of frontage or fraction thereof shall include the following: | | | |
| Minimum Buffer Width (Feet) | Min. # of Large Trees | Min. # of Small Trees | Min. # of Shrubs |
| 40 | 4 | 10 | 33 |

Table 35.3 Prairie Buffer

| Prairie Buffer CLR Overlay District | | | |
|---|------------------|------------------|-------------|
| Min. # of trees and shrubs per one hundred (100) lineal feet of frontage or fraction thereof shall include the following: | | | |
| Minimum Buffer Width (Feet) | # of Large Trees | # of Small Trees | # of Shrubs |
| 40 | 2 | 3 | 17 |

Figure 35.5

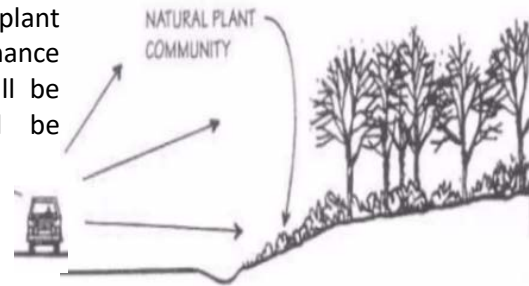


4. All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

| Tree Type | Minimum Size at Time of Planting |
|----------------------|----------------------------------|
| Deciduous Trees | Two (2) inch caliper |
| Coniferous/Evergreen | Five (5) feet in height |
| Shrubs and Hedges | Three (3) feet in height |

The following types of undesirable trees and shrubs shall be prohibited as well as any other invasive or undesirable species as listed by the Ohio Department of Natural Resources:

- a. Callery and Bradford Pear (*Pryus calleryana* – any cultivar)
 - b. Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
 - c. White Mulberry – (*Morus alba*)
 - d. Ginko – Female Only – (*Ginko biloba*)
 - e. Russian Olive – (*Elaeagnus angustifolia*)
 - f. Autumn Olive – (*Elaeagnus umbellate*)
 - g. Japanese Honeysuckle – (*Lonicera japonica*)
5. Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary along an existing roadway. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be discouraged, but when necessary, shall be constructed with a 3:1 slope.



- L. Bulk and Area Requirements. All development within the CLR overlay district shall comply with the bulk and area requirements in Table 35.4.

Table 35.4 Bulk and Area Requirements

| | CLR Overlay District Sub Areas | | |
|--|--------------------------------|-------------------------|-------------------------|
| | CLR-A | CLR-B | CLR-C |
| Minimum Tract Size (Acres) | 25 | 25 | 25 |
| Minimum Lot Size (Acre) | 1 | 1 | 1 |
| Minimum Lot Width | At least ½ of lot depth | At least ½ of lot depth | At least ½ of lot depth |
| Minimum Setback from Green Cook and Center Village Roads | 200 | 200 | 200 |
| Minimum Setback existing township, county or state roads (except Green Cook, Trenton and Center Village Roads). | 100 | 100 | 100 |

| | | | |
|--|------|------|--|
| Minimum Setback from new Collector, Local or Private Road (feet) | 30 | 45 | 60 |
| Minimum Rear Setback (feet) (not abutting an existing state, county or township road). | 25* | 25* | 1' setback per every 1' of building height.* |
| Minimum Side Setback (feet) (not abutting an existing state, county, or township road). | 25* | 25* | 1' setback per every 1' of building height.* |
| Maximum Mixed-Use Building Height (feet) | 45** | NA | NA |
| Maximum Single Use Building Height | 35** | 45** | 60** |
| Minimum Driveway Setback from Side Lot Line (feet) | 2*** | 2*** | 2*** |
| Maximum Lot Coverage (%) | 80 | 80 | 80 |

* When the proposed development abuts an existing parcel utilized for single-family residential purposes, a perimeter buffer is also required as outlined in Section 35.07(R)(13).

** Building Height is measured vertically from the established grade to at the highest point of the structure including parapets, screening walls, or rooftop structures. ~~roof from the established building pad grade as shown on the approved grading plan for the development.~~

*** Side-load garages shall provide at least twenty-four (24) feet of paved apron, in addition to the two (2) foot side lot line on fee simple ownership lots.

- N. Minimum Dwelling Unit Floor Area – No dwelling shall be constructed in the CLR Overlay District, unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages as set forth in Table 35.5:

Table 35.5 Minimum Dwelling Unit Floor Area

| Dwelling Unit | Square Footage Above Grade |
|----------------------|-----------------------------------|
| Studio | 600 |
| One Bedroom | 750 |
| Two Bedroom | 1000 |
| Three Bedroom | 1200 |

- O. Rural Design Standards for Residential, Office, Commercial, and Mixed Use Buildings - The intent of the building design requirements is to create a Rural Design theme that is representative of traditional rural architectural design by focusing on materials and colors that transcends design fads while simultaneously allowing for a unique design approach for individual projects through the review and guidance from the Zoning Commission. Buildings and structures shall be designed to enhance both areas within and surrounding the development, giving due regard to building footprints, building orientation, massing, roof shape, pitch, and exterior materials. The following material and design element requirements have been established to achieve the Rural Design theme.

1. Building Materials and Design Elements: Buildings for all uses shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing principal structure. Additionally, the following standards shall apply to the specific uses:

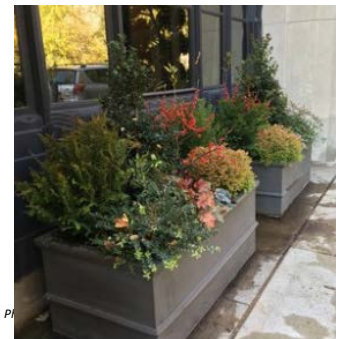
2. Mixed-Use Buildings:

a. **Building Materials:** All exterior elevations shall be comprised of wood, fiber cement, board and batten, brick, or native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. If brick or stone are utilized on the building, the same brick or stone must be used for the foundation. Exposed cement block or split face block foundations shall be prohibited. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters and shutters and shall be made to visually appear as a natural material as determined by the approved Development Plan. The use of frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited.



b. **Building Colors:** Building colors shall consist of earth tones limited to browns, tans, and grays. Building colors may also consist of white and barn red. Leaf greens and gray sky blues may be utilized as an accent and shall not be the predominant building color.

c. **Design Elements:** Blank walls shall not be permitted. Where expanses of solid walls are necessary, they may not exceed twenty (20) feet in length. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation facing a public right-of-way and a minimum of two (2) design elements for every one hundred (100) feet of each side and rear elevation that does not front on a public right-of-way. Design elements shall be consistent with the Rural Design theme and shall include:



- i. Wood columns. The Zoning Commission shall recommend to the Township Trustees a width it deems to be sufficient. The width shall ultimately be determined by the Township Board of Trustees as part of the approved Development Plan.
- ii. A door at least twenty-eight (28) square feet in area with portico/covered entry.
- iii. A window of at least six (6) square feet in area. Windows closer than ten (10) square feet shall be considered one (1) element.
- iv. Masonry water table.
- v. Trellis containing plants.
- vi. Patio, deck, or other similar features.





- vii. Balconies that project no more than two feet into the minimum setback and have a minimum clearance of ten (10) feet from grade.
- viii. Awnings with rural design elements.
- ix. Street furniture, landscaping and garden areas that are properly integrated into the streetscape and other similar significant permanent architectural features consistent with the Rural Design theme may be permitted, subject to a recommendation by the Zoning Commission.



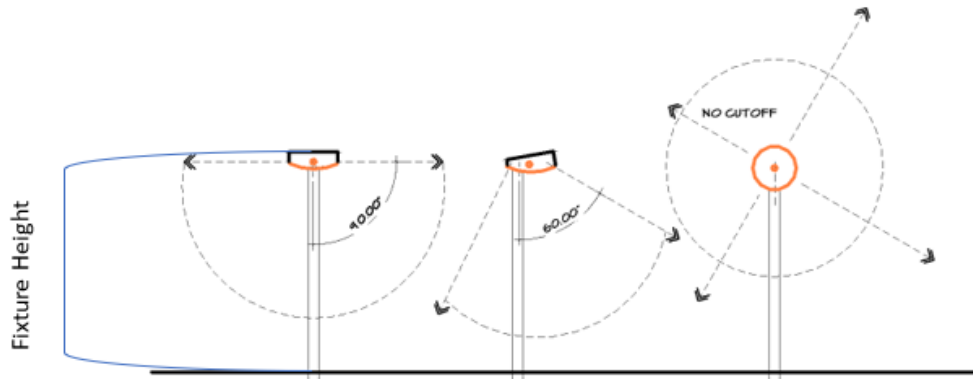
- d. **Roofing:** Flat roofs are prohibited; the roof shall have a minimum of 6:12 pitch for the main roof. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate or simulated slate and are limited to hip, gable, gambrel, or mansard roof types. Other roof types may be approved where appropriate as determined by the Zoning Commission and Township Board of Trustees with Development Plan approval.

P. Building Design Standards – The following building design standards shall apply to all new buildings in Subarea C.

1. Building Scale. The scale of each building shall be aided through the use of articulated building elements such as recesses, offsets, canopies, or other such elements to break up the building mass. Long expanses of exterior walls and any building façade visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof, including but not limited to access bands, texture changes, fenestrations or painted bands or patterns.
2. The building shall be constructed of one or more of the following materials: Pre-cast concrete, cast stone, wall panel systems, brick, glazed brick, integrally colored, painted, or stained split face concrete masonry units or brick. No standard concrete masonry unit (cinder block) shall be permitted. An Exterior Insulation Finishing System (EIFS) may be utilized as an accent provided it is utilized at eight (8) feet above the finished grade or higher. Pre-engineered metal and pole buildings shall be prohibited.
3. Canopies. All exterior canopies and entrance features, including loading dock canopies, on a single building shall be a consistent color scheme.
4. The main building entrance shall incorporate a sufficient amount of glass curtainwall to provide an appropriate scale to the overall building. One color/finish of aluminum curtainwall or window opening framing will be permitted per building. One primary exterior glass color will be permitted per building. Colored spandrel glass may be used as an accent or to conceal interior framing or ductwork. All other colored glass shall be prohibited.
5. Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure’s base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.

6. Roofs. Flat roofs are permitted and shall be designed and constructed with positive drainage so as to prevent water ponding and to shed water in a reasonable time. The slope shall be the minimum recommended by the manufacturer of the proposed roofing systems to achieve proper drainage.
 7. Overhead doors and seals. All overhead doors within a building shall be a single color. No exterior graphics will be permitted on the exterior face of the overhead doors. All dock seals shall be black.
- Q. Lighting – A lighting plan shall be submitted as a part of the Development Plan. All Exterior Lighting shall comply with these standards unless specifically exempted.
1. Exemptions:
 - a. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
 - b. Federal holiday lighting shall be exempt from the requirements of this section.
 - c. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
 2. Prohibited Lighting:
 - a. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
 3. Types of Fixtures: All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
 4. Fixture Height:
 - a. The fixture height in parking lots for residential uses shall not exceed twelve (12) feet in height.
 - b. The fixture height in parking lots for all other uses shall not exceed twenty (20) feet in height.
 - c. In no case shall the fixture height exceed the height of the proposed building.
 - d. Lighting located under canopies shall be flush mounted or recessed within the canopy.
 - e. Fixture height shall be measured from the finished grade adjacent to the base of the light fixture to the topmost point of the fixture.

Figure 35.6



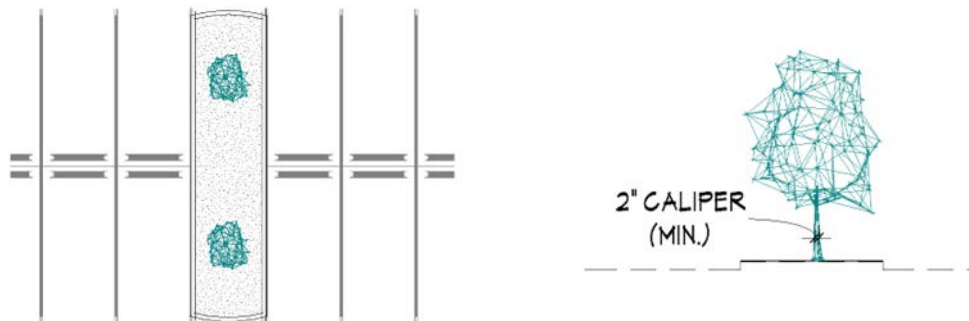
5. Color Temperature: Outdoor lighting must have a color temperature of 3,000 Kelvin or less and must use light colors no bluer than “warm white.”
 6. Lumens: The light bulb utilized for residential developments shall not produce more than sixteen hundred (1,600) lumens. The light bulb utilized for all other uses shall not produce more than three thousand (3,000) lumens. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot Line as demonstrated by a lighting plan:
 - a. The maximum illumination at a lot Line that abuts a lot zoned or used for single-family purposes shall be 0.3 foot-candles as measured from the lot line. This standard shall also apply to any properties within the CLR Overlay District that are still subject to the underlying zoning that allows single family residential uses.
 - b. The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles as measured from the lot line.
 - c. The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - d. The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
 7. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut off lighting. Uplighting shall be prohibited except for decorative lighting.
 8. All non–essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced by fifty percent (50%). Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting and the use of as little lighting as necessary without creating safety issues is encouraged.
- R. Landscaping - All yards, front, side, and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within road right-of-way shall be

prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan.

1. All proposed landscaping material shall align with the established Rural Design theme.
2. Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation.
3. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
4. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
5. Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards as recommended by the Zoning Commission and approved by the Board of Township Trustees.
6. Landscaping at Driveway and Street Intersections: To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections.
 - a. Driveway Intersection Triangle: At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points.
 - b. Street Intersection Sight Triangle: At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
7. All areas of a developed lot shall be planted with grass in all areas that are not covered by a building, parking or other required landscaping material.
8. Building Entrance: Each main building entrance shall be planted with a combination of deciduous, evergreen, ornamental, or seasonal plantings.
9. Large wall areas of a building adjacent to a public or private road shall be landscaped to soften and break up the scale of the wall.

10. Parking Lot Screening:
- a. Subareas A and B: Any surface parking area adjacent to a public right-of-way shall be screened from the respective right-of-way using one of the following methods:
 - i. A thirty-six (36) inch continuous planting hedge and tree combination;
 - ii. A thirty-six (36) inch decorative wall with fence in conjunction with landscaping; or
 - iii. A thirty-six (36) inch decorative planter with lattice or other similar design
 - b. Subarea C: Any surface parking area adjacent to a public right-of-way shall be screened from the respective right-of-way with a thirty-six (36) inch continuous planting hedge and tree combination.
 - c. The height of the required screening shall be measured from the elevation of the adjacent parking area to the top of the screening material.
 - d. All plantings must utilize native species.
11. Parking Island Landscaping. All parking islands shall have a minimum of one (1) shade tree with a minimum of two inch (2") in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.

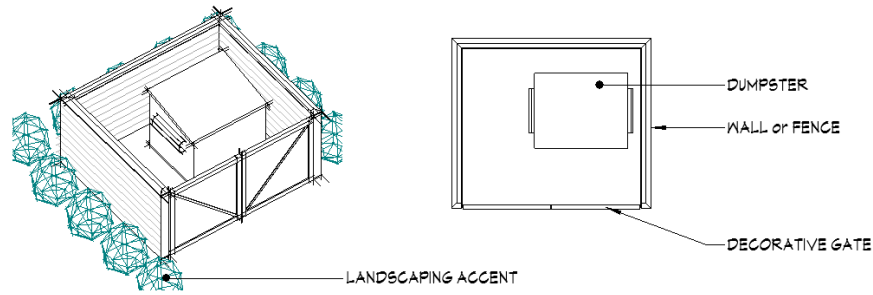
Figure 35.7



12. Mechanical Equipment, Generators, Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones.
- a. Mechanical Equipment and Generators. All external mechanical equipment in all Subareas shall be screened from adjacent existing or planned public rights-of-way or when located adjacent to an existing lot utilized for single-family purposes. Said screening shall comply with one of the following requirements:
 - i. A wall or fence that is a minimum of one (1) foot taller than the mechanical units to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building; or

- ii. A landscape screen that consists of evergreen trees that are a minimum of one (1) foot taller than said mechanical units at the time of installation. The evergreen trees or shrubs shall be installed in linear fashion around all sides of the mechanical unit(s) and shall have a maximum spacing of twelve (12) linear feet between each tree.
 - iii. Rooftop mechanicals shall be screened by a parapet wall or other similar screening mechanism that extends a minimum of one foot above said mechanical units.
- b. Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones: All production areas, service areas, storage areas, trash containers and loading zones for all uses in all subareas shall be located at the rear or the side of the building. They shall be effectively screened on all sides from all adjacent property lines, existing or planned public rights-of-way and private streets as follows:
 - i. Production areas, service areas, and loading zones: Screening of such areas shall consist of either:
 - A. A minimum six foot (6') wall or mound accented with landscaping materials that extends the entire length of the production area, service area of loading zone and consists of a minimum of three (3) ornamental trees per one hundred (100) linear feet or fraction thereof and three (3) evergreen trees per one hundred (100) linear feet or fraction thereof. Screening consisting of walls shall utilize the same or similar materials as those used on the principal building; or
 - B. Landscaping that consists of evergreen trees that are a minimum of five (5) feet in height at the time of installation and spaced a maximum of twelve (12) feet between each tree.
 - C. When a loading area in Subarea C abuts an existing residential use, it shall be setback a minimum of 200 feet from the lot line.
 - ii. Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one (1) foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping for the entire screening perimeter. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.
 - iii. Accent landscaping, as utilized in this section, means shrubs planted no more than five feet apart and adjacent to the entire perimeter of the fence or wall utilized to screen the production area, service area, loading zone, or trash storage area as required by this section.

Figure 35.8



13. Perimeter Buffer:

- a. CLR-A and CLR-B: Table 35.6 describes the minimum landscaping buffer that shall be installed by the applicant when a proposed development abuts an existing lot utilized for single-family residential purposes. Said buffer shall be installed along the entire length of the side or rear lot line that abuts the existing single-family structure. Buildings and parking are prohibited within Woodland and Prairie Buffers.

Table 35.6 Perimeter Buffer Requirements

| Condition | Buffer Required |
|--|---|
| If an existing Single-Family Structure on adjacent lot is within one hundred (100) feet from the abutting lot line, then: | A minimum two hundred (200)-foot Woodland Buffer that complies with the planting requirements in Section 35.07(L)(1). |
| If an existing Single-Family Structure on adjacent lot is more than one hundred (100) feet from the abutting lot line, then: | A minimum one hundred (100)-foot Prairie Buffer that complies with the planting requirements in Section 35.07(L)(2). |
| No existing Single-Family Structure on the abutting lot | No buffer required. |

- b. CLR-C: No buildings or parking shall be constructed within two hundred feet (200) of the lot line of an existing parcel utilized for single-family residential purposes. This buffer shall include a minimum eight (8) foot tall mound running parallel to the lot line abutting the existing residential use and shall be landscaped five (5) deciduous trees, five (5) coniferous trees, and twenty-five (25) medium shrubs per one hundred (100) lineal feet. The slope of each side of the mound shall be a maximum of 3:1, and the mound shall have a minimum ten (10) foot wide crest. Existing trees, streams, and other significant natural or historical resources shall be preserved and taken into consideration when determining mound placement. The center of the mound crest should generally be within fifty (50) feet from the lot line abutting the existing residential use with the final mound location being determined and controlled by the development plan approved by the Board of Township Trustees, upon review and recommendation by the Zoning Commission.
- c. Supplemental Conditions and Safeguards – If the Township Trustees, upon review and recommendation by the Zoning Commission, determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.

- S. Parking and Access – Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections. Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations.
1. Parking Lot Location
 - a. All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
 - b. Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot, except when an adjacent lot has an existing single family residential structure on it. In such cases, the parking shall be setback and landscaped in accordance with Section 35.07(R).
 2. Parking Space Sizing
 - a. All parking spaces must be a minimum of nine by eighteen (9x18) feet. Parking drive aisles shall be a minimum of twenty-four (24) feet.
 3. Parking Bays
 - a. Parking Bays:
 - a) Subareas A and B: No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row.
 - b) Subarea C: No Parking Bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row.
 - b. Parking Lot Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet.
 - c. Parking Lot Screening: All parking lots shall be screened in accordance with Section 35.07(R)(10).
 4. Number of Parking Spaces: Every Development Plan within the CLR Overlay District shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within the applicable subarea standards. Due to the unique nature of the CLR Overlay District, parking requirements for all development within the CLR Overlay District are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The total number of required parking spaces shall be calculated for each separate use within the Development Plan. In no case shall the total number of parking spaces for a particular use be less than the minimum nor more than the maximum number of required parking spaces for said use based upon the table below. When

calculating the required number of spaces, fractional numbers shall be increased to the next whole number.

Table 35.7 Minimum and Maximum Parking Requirements

| Use | Minimum Number of Required Parking Spaces | Maximum Number of Required Parking Spaces |
|--|--|--|
| Mixed-Use Buildings | 1 space per dwelling and 1 space per 265 square feet of non-dwelling space | 3 spaces per dwelling and 1 space per 225 square feet of non-dwelling space |
| Small Retail & Personal Services | 1 space per 265 square feet | 1 space per 225 square feet |
| Medium Retail & Personal Services | 1 space per 265 square feet | 1 space per 225 square feet |
| Eating and drinking facilities including wineries and microbreweries, including those with curbside and pick-up windows | 1 space per 100 square feet | 1 space per 75 square feet |
| Nursing Home | 1 space for every bed plus 1 space for each employee on largest shift | 1 space for every bed, 4 spaces for every 1,000 square feet of inpatient treatment area, and 5 parking spaces for every 1,000 square feet of outpatient treatment area |
| Assisted Living Facilities | 1 space for every 2.5 dwelling units plus 1 space for every 2 employees | 1 space for every 2 dwelling units plus 1 space for every 2 employees on largest shift |
| Use | Minimum Number of Required Parking Spaces | Maximum Number of Required Parking Spaces |
| Independent Senior Living Facilities | .85 spaces per dwelling unit | 1 space per dwelling unit |
| Professional Offices Open Floor Plan | 1 space per 175 square feet | 1 space per 150 square feet |
| Professional Offices Closed Floor Plan | 1 space per 300 square feet | 1 space per 250 square feet |
| Medical Office | 1 space per 225 square feet | 1 space per 200 square feet |
| Common Wall Single Family Attached Dwellings | 1 space per dwelling unit | 3 spaces per dwelling unit |
| Row Houses, Townhomes (up to four units per building) | 1.5 spaces per dwelling unit | 3 spaces per dwelling unit |
| Multi-Family Dwelling Units | 1.5 spaces per dwelling unit | 3 spaces per dwelling unit |
| Daycare, Early childhood education, elementary and middle schools | 4 spaces per classroom | 5 spaces per classroom |
| High Schools and Technical Schools | 1 space per every employee plus 1 space for every 5 students | 1 space for every employee plus 1 space for every student |

| Use | Minimum Number of Required Parking Spaces | Maximum Number of Required Parking Spaces |
|--|---|---|
| Pet Grooming and Boarding Facilities | 1 space per 265 square feet | 1 space per 225 square feet |
| Neighborhood parks | 25 spaces | 40 spaces |
| Hotels/Motels | 1 space per room | 2 spaces per room |
| Industrial Uses not otherwise defined below | 1 space per 2,500 square feet | 2 spaces per 2,000 square feet |
| Flex-Office/Flex-Warehouse/Advanced Manufacturing | 2 spaces per 1,500 square feet | 2.5 spaces per 1,000 square feet |
| Logistics/Warehouses/Data Processing Center/Contractor's office/ Machine Shop/ Equipment Repair | 1 space per employee on largest shift plus 1 space per vehicle stored on site | 1.5 space per employee on largest shift plus 1 space per vehicle stored on site |
| Recreational Uses | | |
| Mini-Golf, Batting Cage | 1 per tee or cage | 1.5 per tee or cage |
| Bowling Alley | 3 per lane | 4 per lane |
| Recreation/Fitness Centers | 7 spaces per 1,000 square feet | 8 spaces per 1,000 square feet |
| Outdoor recreation fields | 50 per field | 75 per field |
| Ice Skating Rink or other recreational use not specified herein | 1 per 200 square feet | 1 per 150 square feet |

5. Access:
- a. Access: Access to North or South County Line Road shall be limited to those locations approved by the County Engineer. Access to State Route 37 shall be limited to those locations approved by ODOT. All other access points shall be approved by the applicable permitting authority. On township roads, there shall be a minimum of two hundred (200) feet between access points.
 - b. Vehicular Connectivity (Access Roads and/or Parking Lot Connections): The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads and/or through the use of cross access easements between parking lots. This requirement has been established to reduce traffic movements on mainline roads to improve the public health and safety of those utilizing the public rights-of-way. The Township Board of Trustees may rely upon recommendations from the Delaware County Engineer's Office or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each particular development.
- T. Signs – All signs shall be in accordance with the following regulations.

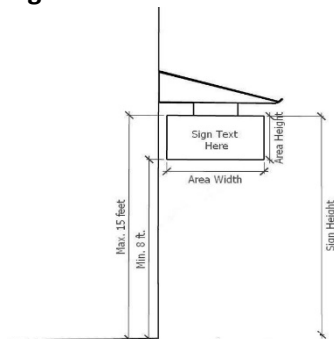
1. Design:

- a. CLR-A and CLR-B: Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign in Subareas A and B. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, and barn red and shall match that of the primary building.
 - b. CRL-C: Signs colors and materials shall match that of the primary building.
2. Projecting Signs: Projecting signs shall be utilized for mixed use buildings and are therefore limited to Subarea A of this overlay. All projecting signs shall comply with the following guidelines and shall blend with the architectural design of the building to which it is attached.

Table 35.8 Projecting Signs

| Projecting Signs | CRL-A |
|--|-------|
| Maximum Number of Signs Permitted Per Non-Residential Tenant | 1 |
| Maximum Square Footage | 6 |
| Maximum Height (Feet) | 15 |
| Minimum Height (Feet) | 8 |

Figure 35.9



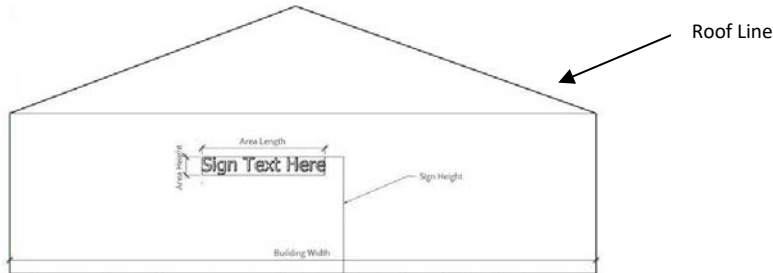
3. Wall Signs: All wall signs shall comply with the following requirements. Such Signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached.

Table 35.9 Wall Signs

| Wall Signs | CLR-A | CRL-B | CLR-C |
|--|--|---|---|
| Maximum Number of Signs Permitted | 1 per tenant | 1 per building | 1 per building |
| Maximum Square Footage | 1 square foot per 1 lineal foot of width of tenant space, not to exceed 50 square feet | 1 square foot per 1 lineal foot of building width, not to exceed 100 square feet. | 1 square foot per lineal foot of building width, not to exceed 150 square feet. |
| Maximum Height (Feet) | 15 | 25 | At least 2 feet below the parapet of the |

| | | | |
|--|--|--|---|
| | | | wall to which it is attached (or the roof line if there is no parapet). |
|--|--|--|---|

Figure 35.10

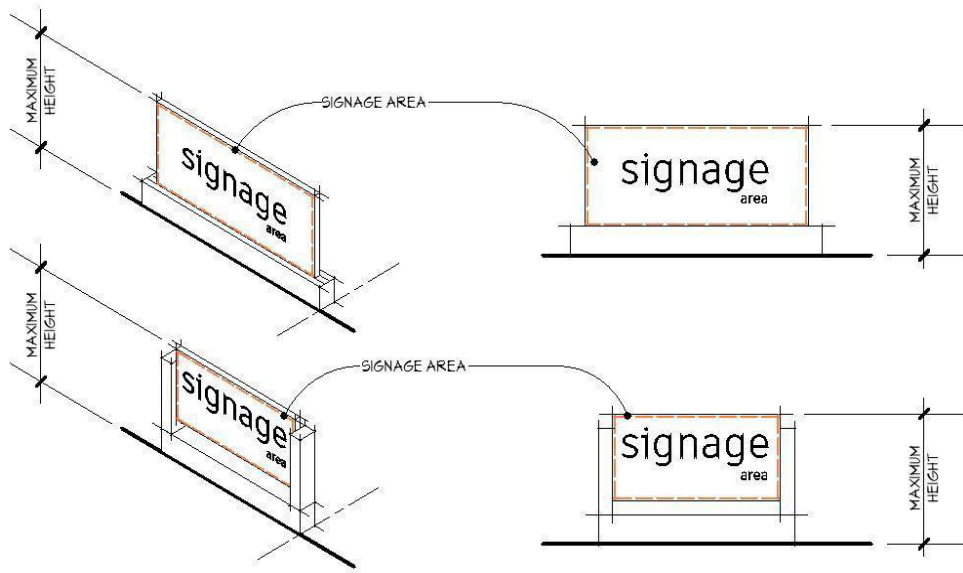


4. Ground Mounted Signs: All ground mounted signs shall comply with the following requirements.
 - a. All Ground Mounted Signs shall have a solid base consistent with the primary building design and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
 - b. There shall be a maximum of two (2) Sign faces per Sign.

Table 35.10 Ground Signs

| Ground Mounted Signs | CLR-A | CRL-B | CLR-C |
|---|----------------------------|----------------------------|----------------------------|
| Maximum Number of Signs Permitted | 1 per public road frontage | 1 per public road frontage | 1 per public road frontage |
| Maximum Square Footage Per Sign Face | 20 | 30 | 40 |
| Maximum Height (Feet) | 8 | 8 | 8 |
| Minimum Distance from ROW (Feet) | 10 | 10 | 10 |

Figure 35.11

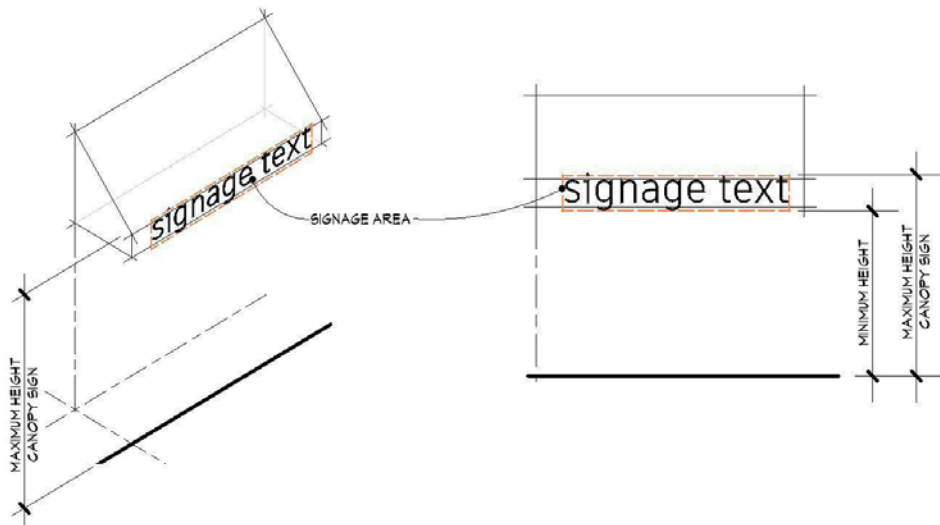


4. Canopy Signs: Canopy signs shall be permitted over the entrance to a building. Canopy signs comply with the following requirements and shall blend with the architectural design of the building to which it is attached.

Table 35.11 Canopy Signs

| Canopy Signs | All Subareas |
|---|--------------|
| Maximum Number of Signs Permitted Per Building Entrance | 1 |
| Maximum Square Footage | 10 |
| Maximum Height (Feet) | 15 |

Figure 35.12



6. Temporary Signs: The following Temporary Sign regulations apply to all uses within the CLR Overlay District.
 - a. Temporary Signs shall be prohibited within the right-of-way.
 - b. Up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height.
 - c. Two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - i. Exceed eight (8) feet in height.
 - ii. Exceed thirty-two (32) square feet in area (per Sign face)
 - iii. On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals.
 - iv. On parcels that are greater than five (5) acres, such signs may be displayed for up to one-hundred eighty (180) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one-hundred eighty (180) days.
 - v. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

7. Window Signs: All window signs shall comply with the following requirements:

Table 35.12 Window Signs

| Window Signs | All Subareas |
|--|---------------------------|
| Maximum Number of Signs Permitted Per Lot | 3 |
| Maximum Square Footage | 25 percent of window area |
| Maximum Height (Feet) | 15 |

8. Loading Dock Signs: Each use that is required to have loading dock(s) may install dock door numbering at each dock location at a maximum elevation of eighteen (18) feet above finished grade. The numbers shall not exceed fourteen (14) inches in height and shall be black.

9. Wayfinding Signs: There may be two wayfinding signs per access driveway connecting to a public or private street. Wayfinding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit.

- U. Utilities – All utilities in the CLR Overlay District shall be buried underground.
- V. Divergences – The Zoning Commission, as a part of the Development Plan approval process outlined in Article XXXI, may grant divergences from any standard or requirement in this Article with the exception of permitted uses, the density of dwelling units per acre, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan with a request that the proposed divergence be approved “per plan.” No divergence shall be granted for the reduction of required open space, density, or uses other than those permitted in this Article.

Section 35.08 – DATA CENTER CONDITIONAL USE REQUIREMENTS

- A. Intent. The intent of this section is to regulate the placement and construction of Data Centers as a Conditional Use.
- B. Process. Within this Overlay Zoning District, data centers may be permitted as a conditional use, subject to the approval and conditions established by the Board of Zoning Appeals in accordance with Article XXVIII of this Resolution.

An applicant shall obtain a Conditional Use Permit under Article XXVIII before submitting a Development Plan application under Article XXXI. Following issuance of a Conditional Use Permit for a data center, an applicant who elects to proceed shall obtain approval for a Development Plan in accordance with the requirements of Article XXXI prior to commencing development.

No Development Plan application proposing a data center shall be considered complete or accepted for review by the Zoning Commission until a Conditional Use Permit has been approved by the Board of Zoning Appeals pursuant to Article XXVIII.

Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of Board of Zoning Appeals approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit. The subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals if said uses are to be continued. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- C. Conditions.
In order for the Board of Zoning Appeals to issue a Conditional Use Permit, the applicant shall demonstrate compliance with the conditions and standards set forth below.
 1. No building shall exceed sixty (60) feet in height, measured vertically from the established grade to the highest point of the structure including parapets, screening walls, or rooftop structures.
 2. The operation of the data center shall not produce a sound level exceeding sixty-five (65) dBA when measured at the required setback line established in this zoning district. The data center

- owner or operator shall conduct periodic sound measurements at all required setback lines and provide written reports to the Zoning Inspector or other designated authority. Reports shall be submitted annually or more frequently if requested by the Township Zoning Inspector to verify compliance with this standard. Failure to maintain sound levels at or below 65 dBA at the required setback lines or to submit the required reports shall constitute a zoning violation and may result in enforcement action pursuant to Article XXIX of this Resolution.
3. All data centers must connect into central water and sewer services.
 4. Data Centers shall adhere to all requirements in Article XXXV Landscaping.
 5. The maximum lot coverage shall not exceed sixty-five (65) percent.
 6. All laydown yards shall have direct access to SR 37 or County Line Road, shall be located on the same site as the Data Center, and follow same setback landscape and development standards within section 35.08. All laydown yards shall also adhere to the following standards:
 - a. Activities within a laydown yard shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday.
 - b. Materials stored in a laydown yard shall be managed to prevent dust, debris, or other nuisances from leaving the site.
 - c. No materials, equipment, or vehicles shall be stored in the laydown yard on a permanent basis; all items shall be removed or used within a reasonable time frame, not to exceed one year from the date the Development Plan is approved, unless an extension is granted by the Zoning Commission.
 7. Data Centers shall be located no closer than three hundred (300) feet from the property line of any parcel that is zoned or used for residential purposes, with the setback measured from the nearest point of the data center building to the nearest residential property line.
 8. No principal building, generator, mechanical equipment yard, loading area, fuel storage, laydown yard, or parking area shall be located within a required setback.

The setback area shall be maintained as a landscaped buffer including berms, evergreen plantings, and/or fencing.

- a. A continuous 6-foot hedgerow planted atop an 8-foot berm is required.
- b. Minimum opacity: 50% winter / 70% summer.
- c. Berm slope: 3:1.
- d. Ground areas shall be planted with low-maintenance native ground cover plants.
- e. Dead landscaping must be replaced within 6 months.

The following definitions apply only to Article XXXV. Any definitions included in Article IV are superseded by Section 35.08 when in reference to Article XXXV.

~~**ADVANCED MANUFACTURING**—A use that involves computer technology, robotics, or other innovation to improve a product or process.~~

~~**AGRICULTURE TECHNOLOGY**—Research and development in agriculture, horticulture, and aquaculture with the aim of improving yield, efficiency, sustainability, and profitability. Agricultural technology can be products, services or applications derived from agriculture that improve various input/output processes.~~

~~**ASSISTED LIVING FACILITY**—A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted living centers exclude nursing homes and other special housing facilities as elsewhere defined.~~

~~**BANK**—A financial institution licensed to receive deposits and make loans. Such use may also include financial services including but not limited to wealth management, currency exchange, and safe deposit boxes.~~

~~**BEVERAGE SALES, MICROBREWERY**—A limited production brewery, typically producing specialty beers and selling them on site or for local distribution.~~

~~**BEVERAGE SALES, MICROWINERY**—A limited production winery, typically producing, bottling, and selling wines on site or for local distribution and typically purchases its grape product from an outside supplier or an off site vineyard. A Microwinery may operate a tasting room or may offer a limited or full food menu.~~

~~**BIOTECHNOLOGY**—A use designed to manipulate living organisms or their components to produce useful, common commercial products. This type of use shall be fully enclosed by four solid walls and a roof.~~

~~**COMMERCIAL RECREATIONAL FACILITY, LARGE**—A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user—public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than five thousand (5,000) square feet.~~

~~**COMMERCIAL RECREATIONAL FACILITY, OUTDOOR**—A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user—public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.~~

~~———**SMALL, OUTDOOR RECREATIONAL FACILITY**—Less than five thousand (5,000) square feet.~~

~~———**LARGE, OUTDOOR RECREATIONAL FACILITY**—Five thousand (5,000) square feet or larger.~~

~~**COMMERCIAL RECREATIONAL FACILITY, SMALL**— A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user— public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than five thousand (5,000) square feet.~~

~~**COMMUNITY SERVICES**— Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.~~

~~**CONTRACTOR OFFICE**— A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.~~

~~**DATA PROCESSING CENTER**— A facility that houses computer systems and associated data and is focused on the mass storage of data.~~

~~**DAY CARE CENTERS**— Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.~~

~~**EQUIPMENT REPAIR, LARGE**— A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contractor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.~~

~~**EQUIPMENT REPAIR, SMALL**— A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.~~

~~**FLEX OFFICE LABORATORIES**— A space for a combination of office and laboratory uses that has buildout capabilities to meet individual needs.~~

~~**FLEX OFFICE — RETAIL**— A space with store fronts with small rear warehousing that has buildout capabilities to meet individual needs.~~

~~**FLEX OFFICE WAREHOUSES**— A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.~~

~~**HEALTH CARE FACILITIES**— General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisted living, nursing homes, or other similar facilities providing health related services and may involve the overnight or long term stay of patients.~~

~~**INSTITUTIONAL USES**— Those uses organized, established, used or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.~~

~~**LANDSCAPE/HARDSCAPE BUSINESS**— A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.~~

~~**LOGISTICS** — A large building where material, products, or other manufactured goods are acquired, stored and transported to their final destination. There may be minimal production, processing, assembling or packaging of products or materials in these buildings.~~

~~**MACHINE SHOP** — A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.~~

~~**MAKER SPACE, LARGE** — A facility that is five thousand (5,000) square feet or larger and serves as shared co-working space for independent craftsmen to produce, display, and sell woodwork, furniture, pottery, glass or other related items. The facility can also have shared office space.~~

~~**MAKER SPACE, SMALL** — A facility that does not exceed five thousand (5,000) square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass or other related items. No odor, fumes or excess noise may be produced at the facility.~~

~~**MANUFACTURING** — Any industry that makes products from raw materials by the use of manual labor or machinery. This definition also includes the compounding, processing, assembling and packaging of goods.~~

~~**NURSING HOME** — A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.~~

~~**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL, LARGE** — A building that is five thousand (5,000) gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.~~

~~**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL, SMALL** — A building that is less than five thousand (5,000) gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.~~

~~**PARK, COMMUNITY OR REGIONAL** — A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.~~

~~**PARK, NEIGHBORHOOD** — A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than five thousand (5,000) persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.~~

~~**PLACES OF ASSEMBLY, LARGE** — Any facility or business where three hundred (300) or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.~~

~~**PLACES OF ASSEMBLY, SMALL** — Any facility or business where less than three hundred (300) individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.~~

~~**RESEARCH AND DEVELOPMENT** — A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.~~

~~**SCHOOL, HIGH SCHOOL** — A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades nine through twelve (9–12).~~

~~**SCHOOL, POST-SECONDARY** — A public or private institution providing educational or training services to individuals who have completed high school or have an equivalent credential.~~

~~**SCHOOL, INTERMEDIATE, OR MIDDLE** — A public or private institution providing educational services to children in kindergarten through the eighth grade.~~

~~**SOLAR ARRAY** — A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power-producing unit.~~

~~**SOLAR ENERGY SYSTEM** — The equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from nonrenewable resource.~~

~~**SOLAR ENERGY FARM, INDUSTRIAL** — A solar energy system that is designed for, or capable of, operation at an aggregate capacity of fifty (50) megawatts or more of power. Such systems are exempt from township zoning.~~

~~**SOLAR ENERGY SYSTEM, SMALL** — A solar energy system with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.~~

~~**SOLAR ENERGY SYSTEM, SMALL, GROUND MOUNTED** — A small solar energy system where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.~~

~~**SOLAR ENERGY SYSTEM, SMALL, ROOF MOUNTED** — A small solar energy system mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.~~

~~**WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL** — A designed Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, and designed for, or capable of, operation at an aggregate capacity of not more than one-hundred (100) kilowatts and is intended to primarily reduce on-site consumption of utility power.~~