Zoning Amendment

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ARTICLE I – TITLE

Section 1.01

This Resolution shall be known and may be cited and referred to as Harlem Township Zoning Resolution, Delaware County, Ohio.

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ARTICLE II – PURPOSE

Section 2.01

This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land; to facilitate adequate but economical provisions for public improvements, all in accordance with existing county or township plans or plans which may later be adopted and as permitted by the provisions of Chapter 519, Ohio Revised Code.

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ARTICLE III – INTERPRETATIONS OF STANDARDS

Section 3.01

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted for approval.

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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.

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

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: trulogsiding.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, axe 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.

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.

NECCESSARY CONTRUCTION 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 gross acreage for streets and utilities, and by deducting all otherwise unbuildable areas, as follows:

A. Jurisdictional wetlands, as defined by the US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of: a) hydric soils, b.) hydrophytic vegetation, and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated).

B. Floodplains: Areas that lie within a FEMA 100-year floodplain, either within elevations determined by FEMA or mapped by FEMA.

C. Slopes greater than 20%, including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan.

D. Utility rights-of-way, recorded easements, and currently existing utilities.

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: 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: Versettastone.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 V – DISTRICTS AND BOUNDARIES

Section 5.01 – ZONING DISTRICTS

For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Harlem Township, Delaware County, Ohio, may be divided into one or more such districts.

AR-1	Agricultural Residential District
FR-1	Farm Residential District
R-2	Low Density Residential District
HCVR-1	Harlem and Center Village Residential District
PRD	Planned Residential District
PUD	Planned Unit Development
PRCD	Planned Residential Conservation District (Overlay)
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
HCVC	Harlem and Center Village Commercial District
PCD	Planned Commercial and Office District
I	Industrial District
PID	Planned Industrial District
CRCD	Clustered Residential Conservation District (Overlay)
MU	Mixed-Use Overlay District
CLR	County Line Road Overlay District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

Section 5.02 – DISTRICT BOUNDARIES

The boundaries of each district into which the township is divided are indicated upon the zoning maps of Harlem Township, which are hereby made a part of this Resolution. The said maps of Harlem Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled “Zoning Map, Harlem Township, Delaware County, Ohio,” is properly attested and is on file in the office of the Board of Township Trustees of Harlem Township, Delaware County, Ohio at the Township Hall.

Section 5.03 – NEW TERRITORY

All territory which may hereafter become a part of Harlem Township, Delaware County, Ohio, by any method and all territory in an Agricultural Residential District (AR-1) on the effective date of this amendment, November 21, 1988, shall automatically be classed as lying in and being in an Agricultural Residential District (AR-1) until such classification shall have been changed by this Zoning Resolution and on the zoning map as provided by law.

Section 5.04 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

A. Where district boundaries are indicated approximately following the center lines of streets, or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefore as indicated on the zoning map. If no such distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.

E. Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.

F. Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.

G. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owner's right to appeal to the Board of Zoning Appeals as provided herein.

Section 5.05 – ZONING MAP

The official zoning map shall be maintained by the Zoning Inspector at the Township Hall, and the same shall be accessible to the public at all reasonable times.

ARTICLE VI – APPLICATION OF RESOLUTION

Section 6.01 – CONFORMANCE REQUIRED

Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located nor shall any of the above actions be initiated until all applicable permits have been obtained. All buildings shall conform to state and local building codes and all building permits shall be in effect on the day construction or any alteration begins.

Section 6.02 – AGRICULTURE

Except as noted below, nothing contained in this Resolution shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure. In accordance with Section 519.21(D) of the Ohio Revised Code (effective September 8, 2016), Harlem Township prohibits the cultivation, processing, or retail dispensing of medical marijuana within the unincorporated areas of the township.

Agricultural activities may be prohibited or regulated in some zoning districts. The following statement is from Section 519.21 of the Ohio Revised Code:

The township zoning resolution, or an amendment to such resolution, may in any platted subdivisions approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

A. Agriculture on lots of one acre or less.

B. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines; height; and size.

C. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivisions are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After thirty-five per cent of the lots are developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

Section 6.03 – PUBLIC UTILITIES AND RAILROADS

Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its

business. The term “operation of its business” shall not be deemed to include general officers or other uses not related directly to provisions of utility services.

Cellular telephone towers may be regulated or limited in placement in residential districts by this Resolution, when notification requirements of the Ohio Revised Code dealing with siting are complied with by adjoining neighbors and/or by the Township Trustees.

Section 6.04 – SALES OF ALCOHOLIC BEVERAGES

Nothing contained in this Resolution shall confer powers on the Zoning Commission, Board of Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel or restaurant is permitted.

Section 6.05 – BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION

Nothing contained in this Resolution shall require any change in the plans, construction, size and designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto.

Section 6.06 – ISSUED ZONING CERTIFICATES

Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit, and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township Zoning Inspector with the original request for the certificate.

In the case of phased construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning certificates for new construction invalidated.

ARTICLE VII – AGRICULTURAL RESIDENTIAL DISTRICT (AR-1)

Section 7.01 – PURPOSE

The Agricultural Residential District (AR-1) is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and to protect them from uncontrolled encroachment by urban types of development, while preventing pollution of these lands, and underlying water resources. In addition, the Agricultural Residential District (AR-1) is intended to permit construction of low density, large lot (5 acres and greater) single family residences.

Section 7.02 – APPLICATION

All lands in Harlem Township not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots which are located within the limits of Harlem Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots.

Section 7.03 – PERMITTED USES

Within the Agricultural Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

A. Residence (limited to one single family dwelling per parcel, tract, or lot.)

B. Accessory buildings and accessory uses including private garages and swimming pools.

C. Projects specifically designed for watershed protection, conservation of water or soils or for flood control.

D. Agricultural uses, as referenced in Article IV and defined in ORC 519.02 through 519.25.

   1. Roadside sales of agricultural products shall be permitted in this district provided, however, that at least fifty (50) percent of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than 150 days in any year. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.

   2. Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incidental to other farming operations by the owner/proprietor.

E. Temporary structure(s) incidental to construction as regulated in Section 21.18.

F. Limited Home Occupation in accordance with Section 21.17.

Section 7.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditional uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) 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 or structure wherein the same is located or upon which the same is granted shall be void and 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 the conditions imposed. No conditional use shall be implemented until approved by the Board of Zoning Appeals.

A. Expanded Home Occupation - It is recognized that there may be some home occupations which do not meet the criteria of Section 21.17, but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure. An Expanded Home Occupation Conditional Use may be permitted, provided it meets the requirements of this Section.

For purposes of this Zoning Resolution, the holder of the Expanded Home Occupation Conditional Use Permit must reside in the dwelling unit on the property. An Expanded Home Occupation Conditional Use Permit ceases to be valid once the premises used for the expanded home occupation are no longer occupied by the holder of the Conditional Use Permit or upon the conduct of an expanded home occupation in a manner not approved by the Board of Zoning Appeals.

Conditional Use Criteria. Expanded Home Occupation Conditional Uses shall be limited by the following criteria and/or other conditions as determined to be necessary by the Board of Zoning Appeals in order to protect the residential character of the subject area:

1. The expanded home occupation shall be carried on solely within the confines of the residential structures within an AR-1 zoning district and/or architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.

2. There may be no more than a total of two (2) non-resident employees who work in connection with the expanded home occupation on said premises.

3. Sales of commodities or services produced on the premises may be permitted provided such commodities or services are specified and approved as a part of the application. Examples of possible expanded home occupation conditional use services or commodity sales include but are not limited to:

   a. Insurance or real estate sales, word processing, Internet web hosting.

   b. Arts, crafts or other artistic instruction with united sales of associated materials used in the instruction and preparation of artistic works.

c. Small machinery and equipment repair such as computers, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.

d. Limited, seasonal sales of specialized items such as holiday ornaments or handicrafts.

e. Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with an expanded home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.

4. Outside storage related to the expanded home occupation may be permitted if totally screened from adjacent residential lots and abutting streets, provided the application so specifies. The storage of equipment, supplies, and inventory shall not result in the emission to the surrounding neighborhood of any noxious, offensive or hazardous odors or materials, offensive noises, lighting interference or excessive traffic.

5. The external appearance of the dwelling unit in which the expanded home occupation use is to be conducted shall not be structurally altered to accommodate the home occupation; nor, shall any electrical, mechanical or chemical equipment be utilized which would substantially increase the fire hazard and/or fire load of the structure as determined by the local fire chief and Ohio Fire Code.

6. Only one sign, not larger than three (3) square feet and up to five (5) feet in height above grade of the surrounding yard or center line of the road, whichever is less, may be erected advertising the expanded home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall not be animated or illuminated and must be approved by the BZA.

7. No traffic or parking shall be generated by such expanded home occupation in greater volumes than would normally be expected in a residential neighborhood.

8. All equipment, process, or storage associated with the expanded home occupation shall comply with the Standards for Regulating External Impacts in Section 21.16. No equipment, process, or storage associated with an expanded home occupation shall involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

9. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use.

10. The use of the dwelling unit for the expanded home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than thirty percent of the total floor area of the dwelling unit shall be used in the conduct of the expanded home occupation. Garages or accessory buildings may only be used as permitted by the Board of Zoning Appeals.

11. Maximum of ten (10) commercial parcel deliveries/pick ups per week.

12. No space outside, including the exterior of the expanded home occupation office or storage facility, shall be used for the display of goods or materials to the public.

B. Private landing fields and hangars for aircraft, ultra lights, and helicopters for use by the owner of the property and his guests provided that no commercial activities take place on said premises.

C. Permanent structure or improvements used for retail sale of agricultural products provided that at least fifty (50) percent of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said stand. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.

D. One manufactured/mobile home, owned by the land owner, to be occupied by full time farm labor only and provided that said manufactured/mobile home is installed in compliance with rules and regulations established by the Delaware Public Health District. Not more than one manufactured/mobile home shall be located on any lot, parcel or farm within this township.

E. Public or private schools or colleges, provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

F. Churches or other places of worship, provided they occupy a lot on not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area. Adequate off-street parking shall be provided and shall meet the requirements of Article XXI of this Resolution. Fencing shall be provided to control accessibility of children to traffic, water impoundments and other hazardous conditions and any other improvements necessary to protect users from harm or danger.

G. Non-commercial playgrounds, play fields, picnic areas and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvements necessary to protect users from harm or danger.

H. Public or private golf courses, country clubs, hunt clubs, fishing lakes, campgrounds or similar recreational uses, with all buildings and club houses incidental thereto, including restaurant(s) to serve members and/or users of the facility.

All such facilities shall have direct access onto a County or State road or highway. All maintenance and equipment storage areas shall be screened or buffered from view by fencing, landscaping, or mounding.

I. Cemeteries, providing the same occupies a tract of not less than one hundred (100) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 21.10 of this Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet

to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening and other improvements shall be furnished as required.

J. Borrow Pits, provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Township Trustees, Board of County Commissioners and/or the County Engineer to ensure compliance with the restrictions and conditions imposed to ensure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incidental thereto shall be reviewed by the Delaware County Engineer, and his comments shall be included in the record regarding the matter.

An extension of time limit may be approved by the Board of Zoning Appeals.

K. Boarding kennels and animal shelters subject to the following conditions:

1. No building or structure used for the purpose of a boarding kennel or animal shelter shall be located closer than three hundred (300) feet from the lot line of any residence, church, school or any institution of human care.

2. Full compliance with the Delaware Public Health District shall be satisfied.

3. Suitable fencing and/or screening shall be provided as approved by the Harlem Township Board of Zoning Appeals.

4. Such use shall be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.

L. Bed and Breakfast home provided that:

1. A maximum of eight (8) guests may be housed at any one time.

2. Lighting: All exterior lighting must meet the requirements of Article XXI of this Resolution.

3. Parking: All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.

4. Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

M. Cellular telephone towers in this district shall meet all the requirements of Section 519.211 of the Ohio Revised Code.

N. Kindergarten and/or child care facilities, provided they occupy the residence of the operator or an accessory building which is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. and adjacent yards.

Section 7.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building, so as not to be visible from any adjoining property or public road.

C. No motor home, trailer, or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days and only one (1) motor home, trailer, or camper is permitted at any one time.

D. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.

E. Except as specifically permitted by Section 7.03 (E) or Section 7.04(D), and Section 21.18 herein, no mobile home or temporary structure shall be placed or occupied in this district.

F. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 7.06 – DEVELOPMENT STANDARDS

All lands and uses within this Agricultural Residential District shall be developed in compliance with the standards hereinafter established:

A. Lot Area - No parcel of land in this district shall have an area of less than five (5) gross acres.

B. Lot Frontage - Except as hereinafter set forth, all lots or parcels within this zoning district shall have three hundred (300) contiguous feet of frontage on a road, street, or alley approved by the Delaware County Engineer. Lots or parcels having less than the above listed minimum frontage on the right-of-way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet, and said width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises. Flag lots must be separated by a lot meeting the required footage at the right-of-way line on any road in the township.

C. Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, grain bins, church spires, domes, flag poles, elevator shafts, and

windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract

D. Building Dimensions (Floor Space Requirement) - No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

1 story – 1,500 square feet of living area above grade.
1 ½ story – 1,875 square feet of living area (with 1,125 square feet on the first floor above grade).
Earth-berm and underground – 1,500 square feet of living area.
Split-level – 2,000 square feet of living area (1,250 square feet above grade).
Bi-level – 2,000 square feet of living area (with 1,250 square feet above grade).
2 story – 2,250 square feet of living area (with 1,125 square feet on the first floor above grade).

All dwellings shall include a garage (attached or unattached) of a minimum of four hundred and eighty (480) square feet complete with operating doors, this area not to be included in the living area of the dwelling.

E. Front Setback – No building, structure or use shall be located closer to the right-of-way or center line of the adjacent public or private road than permitted in Section 21.10 herein. In the case of flag lots, the front setback shall be fifty (50) feet, measured from the point at which the lot meets the frontage requirement set forth in 7.06(B).

F. Side Yard Setbacks – No principal dwelling shall be located closer than twenty-five (25) feet to any side lot line. No accessory building shall be located closer than fifteen (15) feet to any side lot line.

G. Rear Yard Setbacks – No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

H. Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings and paving be constructed which cover more than fifty percent (50%) of the parcel area. Structures or buildings shall cover no more than twenty-five percent (25%) of the parcel area.

I. Parking – Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

J. Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” signs advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side, advertising said tract for sale.

K. Lighting Standards – All exterior lighting shall meet the lighting requirements of Section 21.14 of this Resolution.

L. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of Section 21.07 of this Resolution.

ARTICLE VIII – FARM RESIDENTIAL DISTRICT (FR-1)

Section 8.01 – PURPOSE

There is created within Harlem Township a Farm Residential District (FR-1) to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basic rural character of these areas may be preserved and maintained, including the preservation of natural resources, scenic areas, wildlife habitats, and the historic and unique features of the land. The township shall permit the development of these lands in accordance with the ability of such lands to support development and to prevent pollution of air, soil, and water supplies.

Section 8.02 – APPLICATION

All lands within Harlem Township which are to be used for low density single family residences and other essentially non-urban types of residential and agricultural activities shall be not less than two (2) net acres, excluding all recorded easements and road rights-of-way and shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots which are located within the limits of Harlem Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots.

Section 8.03 – PERMITTED USES

Within the Farm Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

A. Single family dwellings (limited to one (1) single dwelling per parcel, tract, or lot).

B. Accessory buildings and accessory uses including private garages and swimming pools.

C. Projects specifically designed for watershed protections, conservation of soil or water or for flood control.

D. Agricultural uses, as referenced in Article IV and defined in ORC 519.02 through 519.25.

1. Roadside sales of agricultural products shall be permitted in this district, provided that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than one hundred, fifty (150) days in any year. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.

2. Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage,

processing, sorting or sales is carried on incidental to other farming operations by the owner/proprietor.

E. Temporary structure(s) incidental to construction as regulated in Section 21.18.

F. Limited Home Occupation in accordance with Section 21.17.

Section 8.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. 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.

A. Expanded Home Occupation – It is recognized that there may be some home occupations which do not meet the criteria of Section 8.03(F), but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure. An Expanded Home Occupation Conditional Use may be permitted, provided it meets the requirements of Section 8.04(A).

For purposes of this Zoning Resolution, the holder of the Expanded Home Occupation Conditional Use Permit must reside in the dwelling unit on the property. An Expanded Home Occupation Conditional Use Permit ceases to be valid once the premises used for the expanded home occupation are no longer occupied by the holder of the Conditional Use Permit or upon the conduct of an expanded home occupation in a manner not approved by the Board of Zoning Appeals.

Conditional Use Criteria. Expanded Home Occupation Conditional Uses shall be limited by the following criteria and/or other conditions as determined to be necessary by the Board of Zoning Appeals in order to protect the residential character of the subject area:

1. The expanded home occupation shall be carried on solely within the confines of the residential structures within an FR-1 zoning district and/or architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.

2. There may be no more than a total of two (2) non-resident employees who work in connection with the expanded home occupation on said premises.

3. Sales of commodities or services produced on the premises may be permitted provided such commodities or services are specified and approved as a part of the application. Examples of possible expanded home occupation conditional use services or commodity sales include but are not limited to:

a. Insurance or real estate sales, word processing, Internet web hosting.

b. Arts, crafts or other artistic instruction with united sales of associated materials used in the instruction and preparation of artistic works.

c. Small machinery and equipment repair such as computers, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.

d. Limited, seasonal sales of specialized items such as holiday ornaments or handicrafts.

e. Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with an expanded home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.

4. Outside storage related to the expanded home occupation may be permitted if totally screened from adjacent residential lots and abutting streets, provided the application so specifies. The storage of equipment, supplies, and inventory shall not result in the emission to the surrounding neighborhood of any noxious, offensive or hazardous odors or materials, offensive noises, lighting interference or excessive traffic.

5. The external appearance of the dwelling unit in which the expanded home occupation use is to be conducted shall not be structurally altered to accommodate the home occupation; nor, shall any electrical, mechanical or chemical equipment be utilized which would substantially increase the fire hazard and/or fire load of the structure as determined by the local fire chief and Ohio Fire Code.

6. Only one sign, not larger than three (3) square feet and up to five (5) feet in height above grade of the surrounding yard or center line of the road, whichever is less, may be erected advertising the expanded home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall not be animated or illuminated and must be approved by the BZA.

7. No traffic or parking shall be generated by such expanded home occupation in greater volumes than would normally be expected in a residential neighborhood.

8. All equipment, process, or storage associated with the expanded home occupation shall comply with the Standards for Regulating External Impacts in Section 21.16. No equipment, process, or storage associated with an expanded home occupation shall involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

9. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use.

10. The use of the dwelling unit for the expanded home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than thirty percent (30%) of the total floor area of the dwelling unit shall be used in the conduct of the expanded home occupation. Garages or accessory buildings may only be used as permitted by the Board of Zoning Appeals.

11. Maximum of ten (10) commercial parcel deliveries/pick ups per week.

12. No space outside, including the exterior of the expanded home occupation office or storage facility, shall be used for the display of goods or materials to the public.

B. Kindergarten and/or child care facilities, provided they occupy the residence of the operator or an accessory building which is architecturally compatible with the neighborhood, and provisions are made for vehicular access; parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, and adjacent yards.

C. Residential Facilities as defined in Article IV. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition the following conditions must be met by the applicant:

1. No exterior alterations of the structure shall be made which depart from the residential character of the building.

2. All new structures shall be compatible in residential design with the surrounding neighborhood.

D. Permanent structures for Agricultural Sales in accordance with 8.03(D).

E. Churches or other places of worship, provided they occupy a lot on not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area. Adequate off-street parking shall be provided and shall meet the requirements of Article XXI of this Resolution. Fencing shall be provided to control accessibility of children to traffic, water impoundments and other hazardous conditions, and any other improvements necessary to protect users from harm or danger.

F. Model homes in subdivisions, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home. Model homes may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:

1. Lighting - All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.

2. Parking – All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required

parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.

3. Screening and Trash Receptacles – Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

4. Termination of Use – The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots.

5. No building equipment or materials may be stored at the model home.

G. Bed and Breakfast provided that:

1. Capacity – A maximum of eight (8) guests may be housed at any one time.

2. Lighting – All exterior lighting must meet the requirements of Article XXI of this Resolution.

3. Parking – All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.

4. Screening and Trash Receptacles – Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

H. Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the ORC, cellular towers shall be located one thousand (1,000) feet from any residential lot line or any recorded platted residential subdivision lot. No tower shall be constructed to a height greater than the distance from the center of the base of the tower to the nearest property line of said tract.

I. Public or private schools or colleges, provided that said institution occupies not less than twenty (20) acres.

J. Institutional areas, whether improved with buildings or not, shall provide adequate parking area for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

K. Non-commercial playgrounds, playfields, picnic areas, and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

Section 8.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No motor home, trailer, or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days and only one (1) motor home, trailer, or camper is permitted at any one time.

D. Except as specifically permitted by Section 8.03(E) herein, no mobile home or temporary structure shall be placed or occupied in this district.

E. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.

F. In subdivided areas which meet the requirements of Section 711.131 of the Ohio Revised Code, the keeping of livestock and poultry is prohibited, except for the keeping of animals for youth club activities, such as 4H, FFA, or similar groups, which shall be a permitted use in the FR-1 district.

G. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 8.06 – DEVELOPMENT STANDARDS

All lands and uses within the Farm Residential District shall be developed in compliance with standards hereinafter established:

A. Lot Area – No parcel of land in this district shall have an area of less than two (2) net acres, excluding all recorded easements and road rights-of-way.

B. Lot Frontage – Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum contiguous frontage:

Two (2) acres but less than three (3) acres: 175 feet;
Three (3) acres but less than four (4) acres: 210 feet;
Four (4) acres but less than five (5) acres: 250 feet;
Five (5) acres or larger: 300 feet.

Lots or parcels having less than the above listed minimum frontage on the right of way line of the adjoining approved easement, road or street must have a lot width fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right of way be less than sixty (60) feet, and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premise. If an

irregularly shaped (e.g. pie-shaped) lot located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the nearest right of way line of adjoining roadway, the requirements for extra setback are required to conform with setback lines for principal structures on adjoining lots. Flag lots must be separated by a lot meeting the required footage at the right-of-way line on any road in the township.

C. Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, grain bins, church spires, domes, flag poles, and elevator shafts, as permitted, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

D. Building Dimensions (Floor Space Requirements) – No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

One (1) story – 1,500 square feet of living area above grade.
1 ½ story – 1,875 square feet of living area (with 1,125 square feet on the first floor above grade).
Split-level – 2,000 square feet of living area (1,250 square feet above grade).
Bi-level – 2,000 square feet of living area (with 1,250 square feet above grade).
2 story – 2,250 square feet of living area (with 1,125 square feet on the first floor above grade).
Earthberm and underground – 1,500 square feet of living area.

All dwellings shall include a garage (attached or unattached) of a minimum of four hundred (480) square feet complete with operating doors; this area is not to be included in the living area of the dwelling.

E. Front Setback – No building, structure or use shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.10 herein. In the case of flag lots, the front setback shall be fifty (50) feet, measured from the point at which the lot meets the frontage requirements set forth in 8.06(B).

F. Side Yard Setback – No principal dwelling shall be located closer than twenty-five (25) feet to any side lot line. No accessory building shall be located closer than fifteen (15) feet to any side lot line.

G. Rear Yard Setback – No principal dwelling shall be located closer than fifty (50) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

H. Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings and paving be constructed which cover more than fifty percent (50%) of the parcel area. Structures or buildings shall cover not more than twenty-five percent (25%) of the parcel area.

I. Parking – Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

J. Signs – Except as provided under the provisions of this article for home occupation or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” signs advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

K. Lighting Standards – All exterior lighting shall meet the lighting requirements of Section 21.14 of this Resolution.

L. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of Section 21.07 of this Resolution.

ARTICLE IX – LOW DENSITY RESIDENTIAL DISTRICT (R-2)

Section 9.01 – PURPOSE

There is created in Harlem Township a Low Density Residential District intended to provide areas for single-family residential development.

Section 9.02 – APPLICATION

Unless rezoned, all lots which are located within the limits of Harlem Township and which were duly recorded upon the following plats in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered zoned R-2: Feazel Add, recorded 02/01/1954; Feazel Add No 2, recorded 04/09/1957; Tibbs Sub, recorded 10/04/1965; Duncan Glen Add, recorded 10/08/1956; and Duncan Glen Add No 2, recorded 06/21/1971; all of which are defined in the Table in Section 9.07. The land areas zoned R-2 Low Density Residential District as of the date of this amendment shall not be expanded.

Section 9.03 – PERMITTED USES

Within the Low Density Residential District (R-2) the following uses, developed in accordance with all the other provisions of this Resolution, shall be permitted:

A. Single family dwellings (limited to one single dwelling per lot).

B. Accessory buildings and accessory uses including private garages and swimming pools.

C. Projects specifically designed for watershed protections, conservation of soil or water or for flood control.

D. A temporary structure such as a mobile office and/or a temporary building of a non-residential character may be used incidental to construction work on the premises, or on an adjacent public project or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as he/she deems necessary. The fees for such permits and renewal thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

E. Roadside sales of agricultural products shall be permitted in this district, provided that at least 50% of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than 150 days in any year. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

F. Limited Home Occupations as regulated in 21.16.

Section 9.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said 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, and 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. 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.

A. Churches or other places of worship, provided they occupy a lot of not less than one (1) net acre plus one (1) net acre for each 100 permanent seats over 150 in the main assembly area. Adequate off-street parking shall be provided and shall meet the requirements of Article XXI of this Resolution. Fencing shall be provided to control accessibility of children to hazardous conditions and any other improvements necessary to protect users from harm or danger.

B. Non-commercial playgrounds, playfields, picnic areas and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

C. Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals.

    1. No exterior alterations of the structure shall be made which depart from the residential character of the building.

    2. All new structures shall be compatible in residential design with the surrounding neighborhood.

D. Bed and Breakfast provided that:

    1. A maximum of eight (8) guests may be housed at any one time.

    2. Lighting: All exterior lighting shall meet the requirements of Article XXI of this Resolution.

    3. Parking: All bed & breakfast homes shall provide adequate off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.

    4. Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the

boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guest(s).

Section 9.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No trailer, boat, motor home or equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

D. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.

E. No motor home, trailer or camper of any type may be occupied by a guest of the resident/owner for more than 14 days and only one (1) motor home, trailer, or camper is permitted at any one time.

F. Except as specifically permitted in Section 9.03(D) herein no manufactured/mobile home shall be placed or occupied in this district.

G. In subdivided areas which meet the requirements of ORC 711.131 the keeping of livestock and poultry is prohibited, except for the keeping of animals for youth club activities such as 4H, FFA, or similar groups, which shall be a permitted use in the R-2 district.

H. Cellular telephone towers, when a notification of objection to the siting of the cellular tower is made per requirements of ORC 519.211 shall be prohibited.

I. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under ORC 3796, shall be located nor operate in this district.

Section 9.06 – DEVELOPMENT STANDARDS

All land and uses within the Low Density Residential District (R-2) shall be developed in compliance with the standards hereinafter established.

A. Lot Area – Lots that exist at the effective date of this amendment to the Zoning Resolution in accordance with Section 9.02 shall be considered legal residential lots and shall not be further subdivided.

B. Lot Frontage – Lots that exist at the effective date of this amendment to the Zoning Resolution in accordance with Section 9.02 shall be considered legal residential lots and their existing frontage shall not be decreased.

C. Building Height Limits – No building in this district shall exceed 35 feet in height measured from the finished grade established not closer than 15 feet to the exterior wall of the structure. Chimneys, church spires, domes, and flag poles are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and shall not exceed 100 feet in height.

D. Building Dimensions (Floor Space Requirements) – No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

1 story – 1,500 square feet of living area above grade.
1 ½ story – 1,875 square feet of living area (with 1,125 square feet on the first floor above grade).
Split-level – 2,000 square feet of living area (1,250 square feet above grade).
Bi-level – 2,000 square feet of living area (with 1,250 square feet above grade).
2 story – 2,250 square feet of living area (with 1,125 square feet on the first floor above grade).
Earth-berm and underground – 1,500 square feet of living area.

All dwellings shall include a garage (attached or unattached) of a minimum of 480 square feet complete with operating doors, not to be included in the living area of the dwelling.

E. Building Setback – No building or use shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.10 herein.

F. Side Yard Setback – No principal dwelling, accessory building, or structure shall be located closer than ten (10) feet to any side lot line.

G. Rear Yard Requirement – No principal dwelling shall be located closer than 30 feet to the rear line of any lot, and no accessory building shall be located closer than 15 feet to said rear lot line.

H. Maximum Lot Coverage – On no lot or parcel in this zoning district shall building(s) and paving be constructed which cover more than 50% of the lot or parcel area. Structures or buildings shall cover not more than 25% of the parcel area.

I. Parking – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

J. Signs – Except as provided under the provisions of this article for home occupation or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” signs advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

K. Lighting Standards – All exterior lighting shall meet the lighting requirements of Article XXI of this Resolution.

L. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of this Resolution.

Section 9.07 – TABLE OF R-2 PROPERTIES

DUNCAN GLEN ADD	31632003017000	10786 GORSUCH RD	GALENA, OH 43021
DUNCAN GLEN ADD	31632003016000	10812 GORSUCH RD	GALENA, OH 43021
DUNCAN GLEN ADD	31632003015000	10836 GORSUCH RD	GALENA, OH 43021
DUNCAN GLEN ADD	31632003014000	10854 GORSUCH RD	GALENA, OH 43021
DUNCAN GLEN ADD	31632003013000	10870 GORSUCH RD	GALENA, OH 43021
DUNCAN GLEN ADD	31632003023000	5939 LAKEWOOD DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003022000	5950 LAKEWOOD DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003024000	5969 LAKEWOOD DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003025000	5999 LAKEWOOD DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003026000	6001 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003027000	6021 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003028000	6041 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003021000	6050 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003029000	6061 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003020000	6070 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003030000	6081 MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD	31632003019000	MAYFAIR DR	GALENA, OH 43021
DUNCAN GLEN ADD NO 2	31632003035000	6010 MAYFAIR CT	GALENA, OH 43021
DUNCAN GLEN ADD NO 2	31632003031000	6011 MAYFAIR CT	GALENA, OH 43021
DUNCAN GLEN ADD NO 2	31632003032000	6051 MAYFAIR CT	GALENA, OH 43021
FEAZEL ADD	31624001088000	3420 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001087000	3442 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001086000	3458 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001085000	3476 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001083000	3498 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001082000	3510 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD	31624001084000	STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD NO 2	31624001066000	STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD NO 2	31624001063000	13301 NORTH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001064000	13335 NORTH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001089000	3422 STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD NO 2	31624001062000	3482 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001069000	3521 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001059000	3542 RICH DR	GALENA, OH 43021

FEAZEL ADD NO 2	31624001070000	3543 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001057000	3580 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001072000	3581 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001074000	3623 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001054000	3636 RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001060000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001068000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001055000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001067000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001061000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001071000	RICH DR	GALENA, OH 43021
FEAZEL ADD NO 2	31624001065000	STATE ROUTE 605 S	GALENA, OH 43021
FEAZEL ADD NO 2	31624001052000	CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001038000	13409 CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001045000	13453 CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001024000	3441 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001026000	3455 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001027000	3475 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001028000	3501 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001029000	3519 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001030000	3543 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001032000	3615 STATE ROUTE 605 S	GALENA, OH 43021
TIBBS SUB	31613001039000	CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001044000	CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001042000	CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001043000	CENTER VILLAGE RD	GALENA, OH 43021
TIBBS SUB	31613001031000	STATE ROUTE 605 S	GALENA, OH 43021

ARTICLE X – PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Section 10.01 – PURPOSE

The provisions of this Article establish the authority and standards for the submission, review, and approval of applications for a Planned Unit Development (PUD). A PUD shall be serviced by infrastructure features consistent with the Township's Comprehensive Plan.

The **Planned Unit Development District (PUD)** is adopted pursuant to ORC 519.021(A) and the standards defined herein shall only apply to land within the Township after a Development Plan is properly filed and approved through the Amendment process defined in **ARTICLE XXIII.**

A. Encouraging greater flexibility and innovation in land use planning and development while ensuring that the health, safety, and general welfare of the township's residents are considered;

B. Promoting conservation of natural features and natural resources, including (but not limited to) topography and geologic features, scenic vistas, trees and other vegetation, wetlands, floodplains, and drainage patterns;

C. Promoting preservation of cultural resources, including (but not limited to) archaeological sites, historic buildings, cemeteries, and other features that express the township's rural heritage and community identity;

D. Encouraging the economical and efficient use of land and resources while providing a harmonious variety of housing choices and the integration of necessary community and neighborhood commercial facilities;

E. Promoting greater compatibility of design and uses between neighboring properties;

F. Encouraging safe and convenient pedestrian-oriented connections between neighborhood developments; and

G. Promoting the preservation of open space for parks, recreation, or agriculture.

Section 10.02 – PERMITTED USES

Within the Planned Unit Development District, the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

A. Single-family or multi-family permanent dwellings, including detached, semi-detached, attached, cluster, patio, common wall or any reasonable variation on the same theme, also including permanently sited manufactured homes;

B. Accessory buildings associated with permitted uses;

C. Home occupations conducted by the resident of a permitted dwelling are subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII and Section 9.04(A) of this Resolution;

D. Non-residential uses of a cultural, educational, or recreational nature or character to the extent that they are designed and intended to serve primarily the residents of the PUD District and local community;

E. Non-residential uses of a religious nature;

F. Common open spaces for passive or active recreational purposes, or for the purposes of conserving significant natural or cultural resources or agricultural land;

G. Uses permitted in the Neighborhood Office (C-1) and Neighborhood Commercial (C-2) Districts in this Resolution as regulated by Section 10.04(D.) and to the extent that they are designed and intended to serve primarily the residents of the PUD District and local community, and provided that the proposed location and use will not adversely impact adjacent property; and

H. Other uses which, in the opinion of the Zoning Commission, advance the purposes of the PUD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 10.03 – PROHIBITED USES

Uses not provided for in Section 10.02 of this Article shall not be permitted in the PUD District. In addition:

A. No outdoor storage of inoperable or unlicensed motor vehicles shall be permitted. All such vehicles shall be stored in a completely enclosed building so as not to be visible from any adjoining property or public road;

B. No outdoor storage of commercial trailers, commercial tractors, or construction equipment shall be permitted. All such vehicles shall be stored in a completely enclosed building so as not to be visible from any adjoining property or public road; and

C. No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any property within the PUD District.

D. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 10.04 – DEVELOPMENT STANDARDS

When a PUD is utilized it shall be in a manner that avoids isolated development. Any proposed development shall include plans for necessary infrastructure improvements and shall have minimal negative impact on existing residential areas. Infrastructure improvements include, but are not limited to, adequate roadways, and central water and sewer. The preservation of open spaces, township roadscapes, cultural resources, and existing natural features, as well as provisions for present and future connectivity between neighboring developments and pedestrian access to any development, shall be priorities when considering a development plan. The following standards for the arrangement and development of land and buildings apply to the PUD District. When not

specifically supplanted by the following standards, the General Development Standards described in Article XXI of this Resolution shall apply.

A. Minimum gross tract size for a PUD district shall be forty (40) acres of contiguous land, unless the Zoning Commission finds that consideration of a PUD on lesser acreage substantially accomplishes the intent of the Harlem Township Comprehensive Plan, adheres to the purposes outlined in Section 10.01 of this Resolution, and permits an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.

B. Density, Lot and Yard Areas: The overall density of the tract covered by the Development Plan may not exceed two (2) dwelling units/net developable acre (NDA). The minimum lot area for each dwelling unit may be reduced to any size which is justified in an approved Development Plan. Lots abutting the boundaries of the tract included in the Development Plan shall not be less than the minimum rear setback requirements for the abutting District. In addition, the front yard setback for all lots abutting an existing public road shall conform to the requirements of the General Development Standards (Article XXI) of this Resolution.

C. Open Space: At least twenty-five (25) percent of the gross area of the tract included in the Development Plan shall be designated as open space, including areas preserved in their natural state and areas developed for recreational purposes, but at least half (1/2) of the open space area must be preserved in a natural state. Up to one-third (1/3) of land within the one-hundred-year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location which makes it suitable, useful, and accessible to the public as designated.

D. Parking: A minimum of a four hundred eighty (480) square foot garage per dwelling unit and sufficient parking spaces for visitors, employees, and customers shall be provided. The standards contained in Article XXI Section 21.02 shall apply unless clearly inappropriate.

E. Maximum Percentage of PUD Utilized for Commercial or Office Uses: Unless otherwise authorized by the Zoning Commission, no more than twenty (20) percent of the buildable tract area shall be utilized for commercial or office uses.

F. Flood plains shall be regulated as defined in Section 21.09.

G. Other External Impacts as regulated in Section 21.16.

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ARTICLE XI – PLANNED RESIDENTIAL DISTRICT (PRD)

Section 11.01 – PURPOSE

The Township, recognizing that with increased residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety, and general welfare of the inhabitants of Harlem Township.

The **Planned Residential District (PRD)** is adopted pursuant to ORC 519.021(A) and the standards defined herein shall only apply to land within the Township after a Development Plan is properly filed and approved through the Amendment process defined in **ARTICLE XXIII.**

Section 11.02 – PERMITTED USES

Within the Planned Residential District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

A. Residential structures single family or semi-detached, attached, modular, cluster, patio, common wall or any reasonable variation on the same theme.

B. Non-residential uses of a cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

C. Non-residential uses of a religious nature.

D. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises on an adjacent public project or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a zoning permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

E. Limited Home Occupations as regulated in Section 21.17.

Section 11.03 – CONDITIONAL USES

Within the PRD zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of approval by the Board of Zoning Appeals or are discontinued for a period in excess of two

(2) 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, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such uses(s) to the Board of Zoning Appeals. 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 the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

A. Adult Family Homes defined in ORC 5119.22(A)(2)(a) in which not more than five (5) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

    1. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

    2. All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a residential district.

Section 11.04 – PROHIBITED USES

A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on the said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

D. No motor home trailer, mobile home, or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days. No more than one motor home, trailer, or camper may be occupied for a period on any lot, parcel, or farm.

E. Except as specifically permitted by Section 11.03 (C) or approved in the Development Plan, no manufactured/mobile home shall be placed or occupied in this district.

F. Agricultural activities are prohibited in subdivisions that meet the requirements of the ORC 519.21 (see Section 6.02 of this resolution.)

G. No trash, debris, unused property, or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

H. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under ORC Chapter 3796, shall be located nor operate in this district.

Section 11.05 – DEVELOPMENT STANDARDS

When a Planned District is utilized it shall be in a manner that avoids isolated development. Any proposed development shall include plans for necessary infrastructure improvements and shall have minimal negative impact on existing residential areas. Infrastructure improvements include, but are not limited to, adequate roadways, and central water and sewer. The preservation of open spaces, township roadscapes, cultural resources, and existing natural features, as well as provisions for present and future connectivity between neighboring developments and pedestrian access to any development, shall be priorities when considering a Development Plan. In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required for the Planned Residential District.

A. Minimum Development Size: Minimum tract size for a PRD Subdivision – Ten (10) acres.

B. Intensity of Use: The maximum density shall be 1.5 dwelling units per Net Developable Acre (NDA) as defined in Article 4 within the area to be developed.

B. Open Space: At least twenty percent (20%) of the total gross acreage of the Planned Residence District must be devoted to open space under common ownership. Open Space shall be designated on the Development Plan as "Common Open Space," and/or "Natural Green Space" based on the purpose of the Open Space area. Such Open Space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities, or any combination thereof. Any buildings, structures, and improvements to the open space must be appropriate to the uses which are authorized, with regard to its topography and unimproved condition. The Open Space shall be of a size, shape, and location which is conducive to use by all residents of property. Easements for water courses and other similar channels are acceptable within the open space as long as such easements do not restrict access by residents unless specifically justified during the approval process and approved by the Zoning Commission. Storm water retention or detention facilities and land under high-voltage power line easements are acceptable as Open Space, provided such facilities do not exceed fifteen percent (15%) of the total Open Space required.

C. Arrangement of Structures

1. Frontage: Residential lots shall front upon and/or have access to an improved, public road. Road frontage in either case shall be no less than seventy (70) feet.

2. Minimum lot size: 10,000 square feet of lot size is required.

3. Front Setback: No building or structure shall be located closer than thirty (30) feet to the right-of-way.

4. Minimum Side Yard per Tract: A side yard of at least seven and one-half (7½) feet on each side of the tract shall be provided for principal and accessory structures, processing, and servicing or loading areas, or as authorized by an approved Development Plan. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless the adjacent walls of

both structures are masonry, in which event said principal structures shall be no closer than ten (10) feet.

5. Minimum Rear Yard per Tract: A rear yard of at least twenty-five (25) feet shall be provided for principal and accessory structures.

6. Additional Setback: No building, structure, use, or parking shall be located closer to the right-of-way or center line of the adjacent public or private road than one hundred (100) feet.

7. Perimeter Area: No building, structure, use, or parking shall be constructed within fifty (50) feet of the perimeter property line of any contiguous property. The perimeter boundary shall be adequately landscaped to screen the development from adjacent property.

8. Building Height Limits: No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

D. Building Dimensions: (Floor space requirements) – Each single family dwelling shall have the following minimum living area, exclusive of basements, porches or garages

1 story – 1,500 square feet, above grade
1 ½ story – 1,875 square feet, with 1,125 square feet on the first floor above grade
Earthberm & underground – 1,500 square feet
Split level and Bi-level – 2,000 square feet, with 1,250 square feet above grade
2 story – 2,250 square feet, with 1,125 square feet on the first floor above grade

All single family dwellings shall include a garage of a minimum of four hundred and eighty (480) square feet, complete with operating doors. This area is not to be included in the living area of the dwelling.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, exclusive of basements, porches, breezeways, utility areas and garages:

One (1) bedroom unit	1,000 square feet
Two (2) bedroom unit	1,125 square feet
Three or more bedroom units	1,250 square feet

E. Landscaping: All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

F. Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

G. Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the Development Plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

H. Signs: Except as provided under the provisions of this article for Limited Home Occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning Commission, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision development or tract for sale.

I. Flood plains shall be regulated as defined in Section 21.09.

J. Other External Impacts as regulated in Section 21.16.

K. The Township Zoning Commission and/or Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping development, improvement, and maintenance of common open space, and any other pertinent development characteristics.

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ARTICLE XII – NEIGHBORHOOD OFFICE DISTRICT (C-1)

Section 12.01 – PURPOSE

The Neighborhood Office District is created to regulate development of office uses in the township and to foster expansion and rehabilitation of existing facilities to provide office facilities which are small, pleasant, safe, and convenient to the neighborhood.

Section 12.02 – APPLICATION

The provisions of this Article of the Zoning Resolution shall apply to proposed uses permitted herein which are designed to serve the local community.

Section 12.03 – PERMITTED USES

Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

A. Office facilities for providing of personal services such as credit agencies, insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians or veterinarians, and other licensed medical fields, accountants, financial planners, architects, and engineers.

B. Other offices, similar in nature or character, as determined by the Zoning Inspector.

C. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a zoning permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with provisions of Article XXVIII of this Resolution.

Section 12.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of approval by the Board of Zoning Appeals, or are discontinued for a period in excess of two (2) 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, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such uses(s) to the Board of Zoning Appeals. 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

the Board of Zoning Appeals to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

A. Single family dwelling, provided that the residence constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages:

1 Story – 1,500 square feet of living area above grade
1 ½ Story – 1,875 square feet of living area with 1,125 square feet on the first floor above grade
Earthberm and Underground – 1,500 square feet of living area
Split level – 2,000 square feet of living area with 1,250 square feet above grade
Bi-level – 2,000 square feet of living area with 1,250 square feet above grade
2 Story – 2,250 square feet of living area with 1,125 square feet on the first floor above grade

All single family dwellings shall include a garage of a minimum of 480 square feet, complete with operating doors; this area is not to be included in the living area of the dwelling.

B. Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages:

One (1) bedroom unit	1,000 Sq. ft.
Two (2) bedroom unit	1,125 Sq. ft.
Three or more bedroom units	1,250 Sq. ft.

C. Kindergarten or child daycare facilities, provided the building occupied by the use is architecturally compatible with the neighborhood, and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjacent yards and/or adjoining hazardous conditions such as roads, streets, lakes, ponds, etc.

Section 12.05 – PROHIBITED USES

A. No use not specifically authorized by the express terms of this article of this Zoning Resolution shall be permitted.

B. The outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicle, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.

D. Except as specifically permitted by Section 12.03 (C) herein, no manufactured/mobile office structure shall be placed or occupied in this district.

E. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

F. No drive thru facilities of any kind shall be permitted.

Section 12.06 – DEVELOPMENT STANDARDS

In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established.

A. Building Size: No structure in this district shall contain more than three thousand (3,000) square feet of floor space per floor devoted to any permitted or conditional use. No more than one Principal Building shall be located on any parcel, tract, or lot.

B. Lot Size: A minimum lot size of two (2) acres is required unless evidence can be provided that all requirements (setbacks, building size, parking, and waste treatment) can be provided.

C. Lot Width: No minimum lot width shall be required; however, all commercial tracts shall have access to approved streets and shall be such width as to provide required yard spaces and off-street parking.

D. Building Height: No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.

E. Building Setback: No building or use shall be located closer to the right of way line or center line of the adjacent public or private road than permitted in Article XXI of this Resolution.

F. Side Yard: Side yards shall be required not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty five (25) feet.

G. Rear Yard: Rear yards of not less than thirty (30) feet shall be required.

H. Screening: A screening of shrubbery, fencing, or wall shall be provided so as to hide trash collection areas and service areas from view. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.

I. Parking: Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.

J. Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

K. Lighting: Exterior lighting fixtures shall be shaded, shielded or directed so that the light intensity or brightness shall not be objectionable to surrounding areas.

L. Freight Loading Area: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

M. Landscape Plan: When any use abuts on a Class A or Class B road as defined in Section 21.10 herein, a landscape plan shall be developed which is compatible, in the discretion of the Zoning Inspector, with the adjoining areas, and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

ARTICLE XIII – PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)

Section 13.01 – PURPOSE

The Planned Residential Conservation District (PRCD) is created pursuant to Section 519.021(C) of the Ohio Revised Code (ORC) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. The PRCD achieves this purpose by allowing the development of conservation subdivisions that:

A. permanently preserve and integrate open space within residential developments;

B. offer landowners alternatives to standard tract development of their land;

C. establish a less sprawling, more efficient use of land, streets and utilities;

D. protect and conserve farmland, historical and cultural features, and minimize topographical changes and damage to existing landscapes and vegetation;

E. create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and

F. encourage creativity and environmental responsibility in design through a controlled process of review and approval of the Development Plan and related documents.

Section 13.02 – OVERLAY AREA

The PRCD is created pursuant to Section 519.021(C) of the ORC and encompasses, includes and overlays all land that is zoned Farm Residential (FR-1) and Agricultural Residential (AR-1).

Section 13.03 – EFFECT OF PRCD OVERLAY DESIGNATION

All land zoned FR-1 and AR-1 as shown on the most current Township Zoning District Map is eligible for PRCD overlay zoning.

The zoning regulations currently in place shall continue to apply to all property within the PRCD unless the Zoning Commission approves an application by an owner of property zoned FR-1 and AR-1 to subject the owner's property to the provisions of the PRCD.

Such an application shall be made in accordance with the regulations of this Article and Article XXXII of the Township Zoning Resolution and shall include a Development Plan in compliance with the provisions of said Articles.

Upon receiving such an application, the Zoning Commission shall determine whether the application and Development Plan comply with the regulations of this Article and Article XXXII and make a recommendation to the Township Board of Trustees.

If the Zoning Commission determines that the application and Development Plan do not comply with the regulations of this Article and Article XXXII 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 this Article and Article XXXII of the Township Zoning Resolution, the Zoning Commission shall recommend approval of the application.

If the Township Board of Trustees determine that the application and Development Plan do not comply with the regulations of this Article and Article XXXII, 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 this Article and Article XXXII, it shall approve the application, and cause the zoning map to be changed so the underlying zoning regulations no longer apply to such property, with the property being thenceforth located in the PRCD 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 to be an amendment to the Township Zoning Resolution. This determination shall not be considered to be 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 13.04 – PERMITTED USES

A. Single-family detached dwellings.

B. Common wall single-family attached dwellings, provided they comprise no more than twenty percent (20%) of the total allowable number of units.

C. Multi-family dwellings, provided they comprise no more than twenty percent (20%) of the total allowable number of units.

D. Open Space – Upon approval of the final Development Plan by the Zoning Commission, the following types of activities are permitted within open space, including but not limited to:

1. Active recreation areas which include improvement for uses such as bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling.

2. If open space is intended to be used as a commercial venture, it shall be so stated in the Development Plan and approved by the Zoning Commission. Accessory service buildings and structures incidental and pertinent to permitted uses where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.

3. Natural (Open Space) Area that do not require improvement, are restricted to passive uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Trails are included within this category.

4. The Zoning Commission may allow limited agricultural uses to be considered as open space.

F. Other recreational uses which, in the opinion of the Zoning Commission, advance the purposes of the PRCD and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 13.05 – PRCD DEVELOPMENT PLAN STANDARDS

A. **Minimum tract size for a PRCD Subdivision** – Twenty-five (25) acres.

B. **Open Space** – At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception as provided in Section 13.05(C) is granted by the Zoning Commission. Open space locations and uses shall be identified on the Development Plan and shall be subject to the approval of the Zoning Commission. Open space shall be owned, administered and maintained as identified on the Development Plan pursuant to Section 13.06.

With prior consent through resolution of the Board of Trustees of Township, land may be proposed to be transferred to the Township for public purposes if approved as a part of the final Development Plan. Uses of land transferred to the Township for public purposes must be approved as a part of the final Development Plan and may include, but are not limited to trails and active recreation. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.

1. Primary conservation areas shall be preserved as natural open space. Secondary conservation areas shall be set aside where possible as common (improved) or natural open space.

2. At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than twenty-five percent (25%) shall be utilized for active recreation. The Development Plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the Development Plan.

3. At least twenty-five percent (25%) of the minimum required open space shall be permanent common natural open space.

4. In calculating open space, the areas of fee simple lots conveyed to homeowners or developed areas in the case of multi-family shall not be included.

5. Some areas of the required open space may be used for underground drainage fields for on-site treatment systems as approved per the Development Plan.

6. Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to fifty percent (50%) of the required open space. No more than fifteen (15%) of the combined aggregate shall be used for sewage treatment areas.

7. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall

be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.

C. **Determining the Number of Dwelling Units Permitted**
The permitted density is the number of dwelling units allowed in the development. Applicants shall have two options to establish the legally permitted density.

Either:

1. Multiply the net developable area (in acres) by either:

   a. Six tenths (0.6) dwelling unit per net developable acre with on-site treatment systems; or

   b. Seventy-five hundredths (0.75) dwelling unit per net developable acre with centralized sewer.

   c. The result in either case shall be rounded down to the nearest whole number;

D. **Sewage Disposal** – For centralized sanitary sewer usage, a feasibility letter shall be provided by the Delaware County Sanitary Engineer indicating that sewer service is available with the capacity needed. For sites not served by public centralized sanitary sewer, sewage disposal feasibility shall be demonstrated by letter from either the Delaware Public Health District or the Ohio EPA.

E. **House Locations** – Dwellings shall be located to reduce the visual impact as seen from existing public roads. Home sites should not be located on higher elevations, such as hilltops and ridges. Homes should front on internal roads. Eighty-five percent (85%) or more of the house lots should have a direct view (either front or back) of common open space.

F. **Perimeter Setback** – No building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision, nor within two-hundred (200) feet of an existing public street.

G. **Storm Water** –Features shall be designed to manage storm water retention and detention and prevent erosion, flooding, or standing water within the development and downstream properties. Encourage natural water features as part of the storm water management system where possible.

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 final Development Plan.

I. **Pavement Standards for Multi-Family Drives** – All multi-family drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of twenty (20) years.

J. **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.

K. **Paths** – A five (5) foot wide asphalt walking or bike path is required for conservation subdivisions. Paths shall be separated from the paved street surface by at least five (5) feet of landscaped or grassed strip. The Township may also require paved or unpaved walkways to connect residential areas and open spaces.

L. **Street Trees** – Deciduous, broad leaf 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 the street(s).

M. **Minimum Front Setbacks** – Dwelling Units and garages shall be set back a minimum of sixty (60) feet from the surveyed center line of the street. Variations of at least 5 feet are encouraged as long and the minimum is maintained.

N. **Minimum Lot Size** – Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots, or as otherwise approved on the Development Plan. Attached dwelling units or detached condominiums as approved per the Development Plan.

O. **Minimum Lot Width at the building line** –

1. Eighty foot (80') lot widths may be used for a maximum of thirty percent (30%) of the total single-family lots.

2. Ninety foot (90') lot widths may be used for a maximum of thirty percent (30%) of the total single-family lots.

3. One hundred foot (100') or wider lots shall be used for at least forty percent (40%) of the total single-family lots or as otherwise approved per Development Plan.

P. **Minimum Side yards** – Twelve and one-half (12 ½) feet each side for single-family and common wall single-family units and their garages, with no encroachments. For multi-family or non-residential structures the minimum separation between building units shall be thirty (30) feet.

Q. **Driveway Setbacks** – Two (2) feet from side lot line. Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot side lot line for single-family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Development Plan.

R. **Minimum Rear yard** – Thirty (30) feet for single-family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached units or detached condominiums as approved per the Development Plan.

S. **Building Height Requirement** – No principal building in this district shall exceed thirty-five (35) feet in height, as defined under “building height” in Article IV of the Township Zoning Resolution.

T. **Minimum Dwelling Unit Floor Area** – No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

One (1) story – 900 square feet of living area above grade.
One and one half (1 ½) or Two (2) story - 1200 square feet of living area above grade.

All dwellings shall include a garage (attached or unattached) of a minimum of 240 square feet complete with operating doors; this area is not to be included in the living area of the dwelling.

U. **Street Lighting** – if provided, a lighting plan shall be submitted with and approved as a part of the Development Plan.

V. **Preservation** – To the maximum extent possible, the site should be designed to:

1. Retain or replant native vegetation adjacent to wetlands and surface waters.

2. Preserve existing hedge and tree lines to the extent practicable; landscape or retain vegetation in common areas with native trees and shrubs.

3. Preserve scenic views and vistas.

4. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.

5. Preserve historic or archaeological sites (e.g., earthworks, burial grounds, etc.).

6. Protect natural drainage swales and creeks. No construction of buildings shall take place inside the 100-year floodplain, or within natural drainage features.

W. **Landscaping Plan** – A landscape plan shall include a site grading plan at two foot contour intervals, landscape designs, and entrance features shall be provided. A statement describing the provisions that are to be made for the care and maintenance of common open space or service facilities shall be provided. All yards, front, side and rear, shall be landscaped to comply with the provisions of Article XXI of the Township Zoning Resolution, or as approved per the Development Plan. 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.

X. **Parking** – 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 provisions of Article XXI of the Township Zoning Resolution, or as approved per the Development Plan.

Y. **Signs** – All signs shall be in accordance with Article XXII of the Township Zoning Resolution, or as approved per the Development Plan.

Z. **Utilities** – All utilities in the Conservation Subdivision shall be buried underground.

AA. **Other Requirements** – Unless specifically supplemented by the standards contained in Article XIII, or those standards approved by divergence in the Development Plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in Article XXI of the Township Zoning Resolution.

BB. **Supplemental Conditions and Safeguards** – If 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.

CC. **Divergences** – The Zoning Commission, as a part of Development Plan approval, may grant divergences from any standard or requirement in this Section with the exception of density, permitted uses, 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 submittals with a request that the proposed divergence be approved "per plan."

Section 13.06 – OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

A. **Ownership of Common Open Space**

Different ownership and management options may apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified herein. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township.

1. Offer of Dedication. The Township shall have the right of first refusal for common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

2. Homeowners Association (HOA). The common open space and associated facilities may be held in common ownership by an HOA. The association shall be formed and operated under the following provisions:

    a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

    b. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.

c. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

d. The association shall be responsible for payment of insurance and taxes on the common open space. The association may establish rules to ensure proper maintenance of common open space, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

e. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such common open space. Shares shall be defined within the association bylaws.

f. In the event of transfer, within the methods herein permitted, of common open space by the HOA, or the assumption of maintenance of common open space by the Township, notice of such pending action shall be given by the HOA to all property owners within the development.

g. The HOA shall provide for adequate staff to administer common facilities and property and continually maintain the common open space.

h. The HOA may lease common open space to any qualified person or corporation, for operation and maintenance of common open space, but such lease agreement shall provide:

1. That the residents of the development shall at all times have access to the common open space contained therein (except croplands during the growing season).

2. That the common open space shall be maintained for purposes set forth in the approved Development Plan.

3. That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or HOA. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.

i. The lease shall be subject to the approval of the HOA board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within 30 days of action by the board.

3. Condominium Agreements. The common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All common open space shall be held as a common element.

4. Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of common open space, title of which is to remain in ownership by condominium or HOA, provided:

   a. Such land is accessible to Township residents;

   b. There is no cost of acquisition other than incidental transfer of ownership costs;

   c. A satisfactory maintenance agreement is reached between the developer, association and the Township.

5. Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

   a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

   b. The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.

6. Third Party Ownership. With the approval of the Township, common open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights for the common open space to a homeowners or condominium association, the Township or a private conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the common open space to those uses identified in the approved Development Plan. Common open space to be transferred to a third party other than a HOA, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

B. **Maintenance of Common Open Space**

1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the HOA bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.

2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

ARTICLE XIV – NEIGHBORHOOD COMMERCIAL (C-2)

Section 14.01 – PURPOSE

The Neighborhood Commercial District is created to regulate development of commercial uses in the township and to foster expansion and rehabilitation of existing facilities to provide small neighborhood-oriented shopping areas which are pleasant, safe, and convenient to the neighborhood. The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the local community.

Section 14.02 – APPLICATION

The provisions of this Article shall apply to all areas zoned Neighborhood Commercial as of the date of adoption of this amendment and all existing legal uses on lands which are zoned Neighborhood Commercial within the township shall be considered, for purposes of this zoning district, permitted uses. All new uses shall conform to all requirements and standards of this amended Resolution.

Section 14.03 – PERMITTED USES:

Within the Neighborhood Commercial District (C-2) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted, provided that all activities and transactions, except off-street parking and loading/unloading, shall be conducted within a closed building.

A. Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, bakeries, ice cream, and candy stores, nut and confectionery stores, dairy product stores, carry-outs, florists, eating and drinking establishments where service is provided totally within the building, self-service laundromats, laundry and dry cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops, private copying, mailing, and mailbox services or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.

B. Office facilities for providing personal services such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians or veterinarians, and other licensed medical fields, accountants and financial consultants, architects, and engineers.

C. Exercise, fitness, health, and dance studios.

D. Computer sales and repair facilities, lawn and garden equipment sales and service.

E. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a zoning permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as

he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with provisions of Article XXVIII of this Resolution.

Section 14.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of approval by the Board of Zoning Appeals, or are discontinued for a period in excess of two (2) 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, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such uses(s) to the Board of Zoning Appeals. 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 the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

A. Apartments in areas over or adjacent to the commercial storeroom of the office facility provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages:

One (1) bedroom unit	1,000 Sq. ft.
Two (2) bedroom unit	1,125 Sq. ft.
Three or more bedroom units	1,250 Sq. ft.

B. Outside display of products for sale and outdoor storage of goods.

C. Kindergarten or child daycare facilities, provided the building occupied by the use is architecturally compatible with the neighborhood, and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjacent yards and/or adjoining hazardous conditions such as roads, streets, lakes, ponds, etc.

D. Drive-thru or drive-in facilities for financial institutions, restaurants, or other similar retail establishments.

E. Outdoor patios for permitted eating and drinking establishments, providing appropriate screening is included and impacts to neighboring properties, such as lighting and noise, are mitigated.

F. Recreational facilities.

G. Automobile repair and service facilities, except refueling stations and standalone car washes.

Section 14.05 – PROHIBITED USES

A. No use not specifically authorized by the express terms of this Article of this Zoning Resolution shall be permitted.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicle, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.

D. Except as specifically permitted by Section 14.03 (E) herein, no manufactured/mobile office structure shall be placed or occupied in this district.

E. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

F. No drive-thru facilities of any kind shall be permitted except as provided in Section 14.04 (D).

Section 14.06 – DEVELOPMENT STANDARDS

In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

A. Building Size: No structure in this district shall contain more than five thousand (5000) square feet of floor space per floor devoted to any permitted or conditional use. No more than one Principal Building shall be located on any parcel, tract, or lot.

B. Lot Size: A minimum lot size of two (2) acres is required unless evidence can be provided that all requirements (setbacks, building size, parking, and waste treatment) can be provided.

C. Lot Width: No minimum lot width shall be required; however, all commercial tracts shall have access to approved streets and shall be such width as to provide required yard spaces and off-street parking.

D. Building Height: No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.

E. Building Setback: No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Article XXI of this Resolution.

F. Side Yard: Side yards shall be required not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet.

G. Rear Yard: Rear yards of not less than thirty (30) feet shall be required.

H. Screening: A screening of shrubbery, fencing, or wall shall be provided so as to hide trash collection areas and service areas from view. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.

I. Parking: Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.

J. Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

K. Lighting: Exterior lighting fixtures shall be shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

L. Freight Loading Area: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

M. Landscape Plan: When any use abuts on a Class A or Class B road as defined in Section 21.10 herein, a landscape plan shall be developed which is compatible, in the discretion of the Zoning Inspector, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

N. Noise: No use shall emit noise that can be heard from neighboring residential uses. No use shall exceed 55 dB outside the hours of operation, when measured at the boundary of the property from which the sound or noise is emanating.

ARTICLE XV – PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)

Section 15.01 – PURPOSE

The Township, recognizing that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township hereby provides for the Planned Commercial and Office District (PCD), intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Harlem Township.

The Planned Commercial and Office District (PCD) is adopted pursuant to O.R.C. 519.021(A) and the standards defined herein shall only apply to land within the Township after a Development Plan is properly filed and approved through the Amendment process defined in Article XXIII.

Section 15.02 – PERMITTED USES

Within the Planned Commercial and Office District (PCD) the following uses, developed in strict compliance with the approved development plan standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

A. Commercial and office establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.

B. Community facilities such as libraries, offices or educational facilities operated by a public agency or government.

C. Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.

D. Hospitals, medical facilities, nursing homes and convalescent homes.

E. Medical, dental and optical laboratories.

F. Kindergarten or child care facilities.

G. Other commercial ventures not provided by other sections of this Resolution if approved as part of the plan.

H. Wholesale business, storage and warehousing.

I. Apartments when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area:

One (1) bedroom unit	1,000 Sq. ft.
Two (2) bedroom unit	1,125 Sq. ft.

Three or more bedroom units	1,250 Sq. ft.

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Commission.

J. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on an adjacent public project or during a period while the permanent structure is being constructed. The user of said structure shall obtain a zoning permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permits and renewals thereof shall be established by the Board of Township Trustees. Said temporary structures shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

K. Other uses, which in the opinion of the Zoning Commission advance the purposes of the PCD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 15.03 – PROHIBITED USES

A. No use not specifically authorized by the express terms of Article XV of the Zoning Resolution shall be permitted.

B. Outdoor storage of junk motor vehicles, as defined by O.R.C. 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.

C. Except as provided in the plan of development no trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on said tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, or the development plan.

D. Except as specifically permitted by Section 15.02 (J) or in the approved Development Plan, no manufactured/mobile office structure shall be placed or occupied in this district.

E. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under O.R.C. Chapter 3796, shall be located nor operate in this district.

Section 15.04 – DEVELOPMENT STANDARDS

When a Planned District is utilized it shall be in a manner that avoids isolated development. Any proposed development shall include plans for necessary infrastructure improvements and shall have minimal negative

impact on existing residential areas. Infrastructure improvements include, but are not limited to, adequate roadways, and central water and sewer. The preservation of open spaces, township roadscapes, cultural resources, and existing natural features, as well as provisions for present and future connectivity between neighboring developments and pedestrian access to any development, shall be priorities when considering a development plan. In addition to any other provisions of this Resolution the following standards are required in this district.

A. Minimum Development Size: Minimum tract size for a PCD development – Five (5) acres. This minimum tract size may be reduced when proposed and developed adjacent to existing land zoned or developed for uses other than single-family residential development.

B. Setbacks: The physical relationships of the structures or use area(s) and their minimum yard spaces shall be developed in strict compliance with the table below unless a variance is requested and justified.

Minimum Front Setback – existing township, county or state roads	100'
Minimum Front Setback – new collector, local or private roads	30'
Minimum Rear Setback (not abutting an existing state, county or township road)	25'
Minimum Side Setback (not abutting an existing state, county, or township road)	25'
Minimum Driveway Setback from Side Lot Line	5'

C. Perimeter Buffer: If the proposed development is adjacent to land developed as single-family homes, a minimum buffer of one hundred (100) feet is required. Such buffer shall require landscaping to minimize impacts on neighboring properties. The buffer may require mounding based on existing and proposed topography.

D. Building Height Limits: No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of structure. Elevator shafts, aerials and antennas may be constructed to any safe height.

E. Building Dimensions: Buildings may contain such area of floor space as is approved in the development plan.

F. Landscaping: All yards, front, side and rear, shall be landscaped. Such landscaped plans shall be submitted as part of the Development Plan.

G. Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.

H. Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

I. Signs: Except as controlled by Article XXII of this Resolution, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning Commission, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

J. Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones: All such shall be located at the rear or the side of the building and shall be effectively screened on all sides from all adjacent property lines, existing or planned public rights-of-way and private streets as follows:

1. A minimum six foot (6') wall or mound including landscaping materials extending the entire length of the production, service, or loading zone. At minimum, such landscaping shall consist of ornamental or 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.

2. 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. Such 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.

K. 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. All light fixtures shall be full cut-off type downlighting fixtures except for decorative light fixtures. All lighting shall be directed toward the ground or toward the interior of the parcel and shall be full cut off lighting. Uplighting shall be prohibited except for decorative lighting.

2. Fixture Height: The fixture height in parking lots shall not exceed twenty (20) feet from the finished grade and in no case shall the fixture height exceed the height of the proposed building.

3. Lumens: Light bulbs utilized PCD 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 point three (0.3) foot-candles as measured from the lot line.

   b. The maximum illumination at a lot line that abut existing or zoned non-residential development shall be one (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.

4. 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 (50) percent. 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.

L. The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.

M. Other External Impacts, as regulated in Section 21.16.

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ARTICLE XVI – HISTORIC CENTER VILLAGE COMMERCIAL DISTRICT (HCVC)

Section 16.01 – PURPOSE

There is created within Harlem Township a Historic Center Village Commercial District (HCVC) to provide for the appropriate use of lands for neighborhood-oriented office and commercial facilities so that the basic rural village character of these areas may be preserved and maintained, including the preservation of natural resources, scenic areas, wildlife habitats, and the historic and unique features of the land. The township shall permit the development of these lands in accordance with the ability of such lands to support development and to prevent pollution of air, soil, and water supplies.

Section 16.02 – APPLICATION

All lots which are located within the limits of the 1848 Centerville (later called Center Village) Town Plat or the 1853 Centerville Addition and which are duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal lots. The owner of any parcel in this area may elect to submit an application for change in the zoning under the provisions of this article. All new commercial uses shall conform to all requirements and standards of this amended resolution.

Section 16.03 – PERMITTED USES

Within the Historic Center Village Commercial District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

A. Retail stores primarily engaged in selling of merchandise for personal or household consumption and providing services incidental to the sale of goods, including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail stores, carry-outs, florists, eating and drinking places, self-service Laundromats, laundry and dry cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.

B. Office facilities for the providing of personal services such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, veterinarians, accountants, architects, and engineers.

C. Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.

D. Other offices or commercial facilities, similar in nature or character, as determined appropriate by the Zoning Commission.

E. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a

permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structures shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

F. Projects specifically designed for watershed protections, conservation of soil or water or for flood control.

G. Bed and Breakfast provided that:

1. A maximum of eight (8) guests may be housed at any one time.

2. Lighting: All exterior lighting must meet the requirements of Article XXI of this Resolution.

3. Parking: All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.

4. Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

Section 16.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. 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.

A. Apartments in areas over or adjacent to the commercial storeroom of the office or retail facility provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages:

One (1) bedroom unit	1,000 Sq. ft.
Two (2) bedroom unit	1,125 Sq. ft.
Three or more bedroom units	1,250 Sq. ft.

B. Outside display of products for sale.

C. Kindergarten or child care facilities, provided the building occupied by the use is architecturally compatible with the neighborhood, and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, or adjacent yards.

D. Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses.

E. Institutional areas, whether improved with buildings or not, shall provide adequate parking area for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

Section 16.05 – PROHIBITED USES

A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicle, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.

D. Except as specifically permitted by Section .03 (e) herein, no manufactured/mobile office structure shall be placed or occupied in this district.

E. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.

F. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 16.06 – DEVELOPMENT STANDARDS

In addition to any other provisions of this Resolution, all lands and uses within the Historic Center Village Commercial District (HCVC) shall be developed in strict compliance with the standards hereinafter established.

A. Building Size: No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use. Limited to one structure per parcel, tract or lot.

B. Lot Size: The lot size shall be adequate to provide the side yard setbacks, rear yard setbacks and off-street parking as herein required.

C. Lot Width: All commercial tracts shall have access to approved streets and shall be such width as to provide required side yard setbacks, rear yard setbacks and off-street parking.

D. Building Height: No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. No windmills, flag poles, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

E. Building Setback: To maintain a basic rural village character in the HCVC-1 District, buildings shall be permitted to be located closer to the center line of the adjacent public or private road as specified in Section 21.10.

If a new building is constructed on a parcel within the HCVC-1 District, the front setback shall be forty (40) feet and shall be compatible in appearance with the other structures in this district.

F. Side Yard Setback: No new building shall be located closer than fifteen (15) feet to any side lot line.

G. Rear Yard Setback: No new building shall be located closer than thirty (30) feet to the rear line of any lot.

H. Screening: All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from view. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.

I. Parking: A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

USE	REQUIRED PARKING SPACES
Retail Space	One (1) space per 200 square feet of sales floor area.
Eating and Drinking Establishments	One (1) space per 200 square feet of gross floor area.
Barber Shop, Beauty Shop or Similar Personal Service	Two (2) spaces per service provider.
Medical/Office	One (1) space per 200 square feet of gross floor area.

J. Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution with the exception that no sign shall exceed twenty (20) square feet.

K. Lighting: All exterior lighting shall meet the lighting requirements of Article XXI of this Resolution.

L. Freight Loading Area: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate delivery trucks with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

M. Landscape Plan: A landscape plan shall be developed which is compatible, in the discretion of the Zoning Commission, with the adjoining areas, and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

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ARTICLE XVII – INDUSTRIAL DISTRICT (I)

Section 17.01 – PURPOSE

Harlem Township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of the Zoning Commission to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety, and general welfare of the residents of the township may be preserved.

Section 17.02 – APPLICATION

The provisions of this article shall apply to all lands zoned Industrial (I) as of the date of adoption of this amendment. All existing legal industrial uses on lands now zoned I within this township shall be considered, for purposes of this Resolution and this zoning district, permitted uses. All new uses shall conform to the standards and requirements of this amended resolution.

Section 17.03 – PERMITTED USES

Within the Industrial District (I) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

A. Wholesale business when all products are stored within the building.

B. Enclosed warehouse or storage activities.

C. Enclosed manufacturing industries.

D. Enclosed service or repair activities.

E. Business offices.

F Enclosed research facilities.

G. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on an adjacent public project or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he or she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structures shall be removed not less than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

Section 17.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of approval by the Board of Zoning Appeals, or are discontinued for a period in excess of two (2) 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 that same is located or upon which the same is granted shall void the conditional use permit, and 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. 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.

A. Any use of a commercial nature.

B. Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.

C. Petroleum product storage areas.

D. Quarries and other activities providing for the removal, processing and sale of natural resources.

E. Freight or trucking terminals.

F. The outdoor storage, display, or sale of raw materials, supplies, equipment or products.

G. Sexually-oriented businesses provided that the Board of Zoning Appeals finds each of the following conditions exists:

1. There is a minimum distance of one thousand (1,000) feet measured in a straight line from the nearest edge of a parcel of land containing a school, church, cemetery, library, funeral home, public park, tavern, bar or residence to the sexually-oriented business.

2. That the parcel of land upon which the sexually-oriented business is located is a minimum of one thousand (1,000) feet measured in a straight line from the nearest edge of the property to the nearest edge of any other parcel of land containing a sexually-oriented business.

3. Nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.

4. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way lines to the point of ingress and egress.

5. No employee of a sexually-oriented business, in the performance of an employee's duties, shall appear on the premises in a state of nudity, except where the employee is appearing on a stage that is at least twenty-four (24) inches above the main floor level of the adult business, and the employee is at least six (6) feet from the nearest other employee or customer.

6. These regulations shall be in addition to the adopted regulations of the Township of the adult cabarets, adult-oriented business, massage establishments, and employees adopted pursuant to the authority of ORC 503.40 et seq.

Section 17.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be prohibited.

B. Unless specifically permitted by the Board of Zoning Appeals as incidental and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

C. Unless specifically permitted by the Board of Zoning Appeals as incidental and necessary to a permitted or conditional use in this district, no trailers of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

D. Residential use of any kind.

E. Except as specifically permitted in Section 17.03(G), no manufactured/mobile office or temporary structure shall be placed or occupied in this district.

F. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 17.06 – DEVELOPMENT STANDARDS

In addition to any other provisions of this Resolution, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

A. Lot Size: No minimum lot size shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.

B. Lot Width: No minimum lot width shall be required; however, the industrial tracts shall have access to approved streets and shall be of sufficient width as to provide required yard spaces and off-street parking.

C. Building Setback: No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Article XXI herein.

D. Side Yard: There shall be a side yard on each of the main buildings constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard except with consent of the Board of Zoning Appeals.

E. Rear Yard: No building shall be located closer than thirty (30) feet to the rear line of any lot. No outdoor storage area may encroach in the prescribed rear yard except with the permission of the Board of Zoning Appeals.

F. Screening: All outside storage areas, service areas and loading docks shall be screened by properly maintained walls, fences, shrubbery or mounding at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed, and all other fences or walls shall be maintained in a neat and tidy manner.

G. Parking: Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.

H. Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

I. Lighting: Exterior lighting fixtures shall be shaded, shielded or directed so that the light intensity or brightness shall not be objectionable to surrounding areas.

J. Freight Loading Area: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

K. Performance Standards: No use shall be conducted within this district which fails to maintain the following standards:

1. Fire and Explosion Hazards: All activities, including storage involving flammable, explosive or hazardous materials shall include the provisions of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in an open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2. Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3. Glare, Heat, and Exterior Light: Any operation producing intense light or heat such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

5. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, stream, or into the ground of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

7. Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

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ARTICLE XVIII – PLANNED INDUSTRIAL DISTRICT (PID)

Section 18.01 – PURPOSE

In the creation of the Planned Industrial District it is the intention and desire of the Harlem Township Zoning Commission to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire township so that the health, safety and general welfare of all inhabitants of Harlem Township may be preserved.

Section 18.02 – APPLICATION

The provisions of this article shall apply to all lands of the township regardless of the size of the tract, and the owner may elect to submit his application for change in the zoning under the provisions of this article or the provisions of Article XVII.

The **Planned Industrial District (PID)** is adopted pursuant to ORC 519.021(A) and the standards defined herein shall only apply to land within the Township after a Development Plan is properly filed and approved through the Amendment process defined in **ARTICLE XXIII.**

Section 18.03 – PERMITTED USES

Within the Planned Industrial District (PID) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

A. Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.

B. Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities, provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.

C. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than three times. Renewal of the permit shall be at the discretion of the Zoning Inspector upon finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structures shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution

D. Sanitary landfills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Zoning Commission may require such screening as is necessary to protect adjacent neighborhoods.

E. Any manufacturing process not already provided for or prohibited by this Resolution.

F. Any use of an industrial or a commercial nature not already provided for by this Resolution.

G. Other uses which, in the opinion of the Zoning Commission advance the purposes of the PID District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 18.04 – PROHIBITED USES

A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

B. Except as approved in the development plan the outdoor storage of any inoperable, or unlicensed motor vehicle, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited.

C. Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.

D. Residential uses of any kind.

E. Except as specifically permitted by Section 18.03 (C) or in the approved development plan no manufactured/mobile office or temporary structure shall be placed or occupied in this district.

F. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 18.05 – DEVELOPMENT STANDARDS

When a planned district is utilized it shall be in a manner that avoids isolated development. Any proposed development shall include plans for necessary infrastructure improvements and shall have minimal negative impact on existing residential areas. Infrastructure improvements include, but are not limited to, adequate roadways, and central water and sewer. The preservation of open spaces, township roadscapes, cultural resources, and existing natural features, as well as provisions for present and future connectivity between neighboring developments and pedestrian access to any development, shall be priorities when considering a development plan. In addition to any development standards imposed or approved as part of the plan of development, the followings standard shall apply:

A. Front Setback: No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Article XXI herein.

B. Side Setback: Unless approved in the Development Plan, there shall be a side yard of not less than fifty (50) feet on each side. No buildings, outdoor storage area or required off-street parking shall encroach in said side yard.

C. Rear Setback: No principle building shall be located closer than thirty (30) feet to the rear line of any lot. No accessory buildings, outdoor storage area, or off-street parking may encroach in the prescribed rear yard except unless approved as part of the Development Plan.

D. Building Dimensions: Buildings may contain such area of floor space as approved in the development plan.

E. Landscaping: All yards, front, side and rear, shall be landscaped, and all organized open spaced of non-residential use areas shall be landscaped. Such landscaped plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

F. Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.

G. Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

H. Signs: Except as controlled by Article XXII of this Resolution, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning Commission, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development, or tract for sale.

I. The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement, and maintenance of common open spaces, and any other pertinent development characteristics.

J. Other External Impacts, as regulated in Section 21.16.

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ARTICLE XIX – HARLEM AND CENTER VILLAGE RESIDENTIAL (HCVR-1)

Section 19.01 – PURPOSE

There is created within Harlem Township a Harlem and Center Village Residential District (HCVR-1) to provide for the use of appropriate lands for continued residential purposes and to permit the existence of single family residences so the basic rural village character of these areas may be preserved and maintained, including the preservation of natural resources, scenic areas, wildlife habitats, and the historic and unique features of the land. The township shall permit the development of these lands in accordance with the ability of such lands to support development and to prevent pollution of air, soil, and water supplies.

Section 19.02 – APPLICATION

All lots which are located within the limits of the 1849 Harlem Town Plat or within the limits of the 1848 Centerville (later called Center Village) Town Plat or the 1853 Centerville Addition and which are duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots. All site built dwellings on said legal residential lots at the effective date of this amendment to the Zoning Resolution shall be considered conforming residential structures.

Section 19.03 – PERMITTED USES

Within the Harlem and Center Village Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

A. Single family dwellings (limited to one single dwelling per parcel, tract, or lot).

B. Accessory buildings and accessory uses including private garages and swimming pools.

C. Projects specifically designed for watershed protections, conservation of soil or water or for flood control.

D. A temporary structure such as a mobile office and/or a temporary building of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after the expiration of said permit.

E. Limited Home Occupation – A limited home occupation (business) is permitted within a permitted dwelling in all residential zoning districts (not in detached buildings or pole barns) in accordance with the following provisions:

1. The limited home occupation does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit, basement, or attached garage or four hundred (400) square feet, whichever is less.

2. Requirements:

   a. The appearance of the structure shall not be altered. The limited home occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs. A limited home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.

   b. There are no non-resident employees.

   c. No equipment or process shall be used in such limited home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.

   d. There shall be no outside storage of any kind.

   e. Specialized instruction or tutoring shall be limited to one (1) individual at a time.

   f. No direct, face to face sales to the public on site.

   g. Maximum of five (5) commercial parcel deliveries/pick ups per week.

   h. No traffic or parking shall be generated by such limited home occupation in greater volumes than would normally be expected in a residential neighborhood.

Section 19.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. 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.

A. Permanent structures or improvements used for retail sale of agricultural products provided that at least 50% of the gross income from the market is derived from the sale of products which are produced

on lands in this township or adjacent townships farmed by the proprietor of said stand. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

B. Bed and Breakfast provided that:

1. A maximum of eight (8) guests may be housed at any one time.

2. Lighting: All exterior lighting must meet the requirements of Article XXI of this Resolution.

3. Parking: All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.

4. Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

C. Non-commercial playgrounds, playfields, picnic areas, and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

D. Parks and picnic areas with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

Section 19.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

C. No motor home, trailer, or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days and only one (1) motor home, trailer, or camper is permitted at any one time.

D. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.

E. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 19.06 – DEVELOPMENT STANDARDS

All lands and uses within the Harlem and Center Village Residential District shall be developed in compliance with standards hereinafter established:

A. Lot Area – No parcel of land in this district which has an area of less than 0.2 acres shall be used for residential purposes.

B. Lot Frontage – All lots or parcels within this zoning district shall have a minimum contiguous frontage of sixty-six (66) feet.

C. Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. No windmills, flag poles, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

D. Building Dimensions (Floor Space Requirements) – No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

One (1) story – 800 square feet of living area above grade.
1 ½ story – 1,000 square feet of living area (with 800 square feet on the first floor above grade).
Split-level – 1,200 square feet of living area (800 square feet above grade).
Bi-level – 1,200 square feet of living area (with 800 square feet above grade).
2 story – 1,200 square feet of living area (with 800 square feet on the first floor above grade).

E. Building Setback – To maintain a basic rural village character in the HCVR-1 District, buildings shall be permitted to be located closer to the center line of the adjacent public or private road than is specified in Section 21.10.

If a new building is constructed on a parcel within the HCVR-1 District, the front setback shall be forty (40) feet and shall be compatible in size and appearance with the other structures in this district.

F. Side Yard Setback – No new principal dwelling shall be located closer than fifteen (15) feet to any side lot line. No new accessory building shall be located closer than fifteen (15) feet to any side lot line.

G. Rear Yard Setback – No new dwelling shall be located closer than fifty (50) feet to the rear line of any lot and no new accessory building shall be located closer than fifteen (15) feet to said rear lot line.

H. Parking – Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

I. Signs – Except as provided under the provisions of this article for home occupation or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease”

signs advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

J. Lighting Standards – All exterior lighting shall meet the lighting requirements of Article XXI of this Resolution.

K. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of this Resolution.

L. Factory-Built Housing – Any factory-built homes in this district must comply with all yard and setback requirements for the district and meet all of the following requirements:

1. The home must be constructed pursuant to the HUD code (Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5401) and manufactured within five (5) years of the date the home is installed on the lot.

2. The home must be attached to a visible, permanent foundation in accordance with the Building Code of Delaware County. This foundation must be comparable in appearance with site-built housing that has been constructed in this district. Slab foundations are not permitted.

3. The home must be connected to the appropriate utilities.

4. The home must have a minimum of eight hundred (800) square feet of living area above grade.

5. The home must have conventional residential siding and a minimum six (6) inch eave overhang.

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ARTICLE XX – ALTERNATIVE ENERGY SYSTEMS

Section 20.01 – INDIVIDUAL WIND ENERGY SYSTEMS

A. Purpose**:** It is the purpose of this regulation to promote the safe, effective, and efficient use of individual wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

B. Individual Wind Energy System: A wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW.

C. Permitted Use**:** Individual wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:

1. System Height: The system height shall not exceed 125 feet. Maximum height shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower at ground level. The application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system, or the FAA.

2. Setback: Setbacks from all property lines for the system tower including the wind turbine itself shall be ten feet greater than the maximum height of the system. No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site. An individual wind energy system shall be erected and placed in such manner that if it were to fall, in whatever direction the fall occurs, the system would be contained solely on the property where the turbine is located and would not fall on any public right of way.

3. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to unauthorized persons for a minimum height of ten (10) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

4. Noise: Individual wind energy systems shall not exceed 60 dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

5. Electrical Interference: The applicant is responsible for assuring the proper installation of the individual wind energy system such that it does not create interference with any radio, television, computer terminal or similar electronic device or cause fluctuations in voltage beyond the applicant's property.

6. Visual Impact: It is inherent that individual wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources. The applicant shall demonstrate through project site planning and proposed mitigation that the individual wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to, information regarding site selection,

turbine design or appearance, buffering, and screening of ground- mounted electrical and control equipment. The color of the individual wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, neutral color that blends in with the surrounding environment.

7. Wiring and Electrical Apparatus: All wires and electrical apparatuses associated with the operation of an individual wind energy system shall be located underground or in an appropriate enclosed structure.

8. Approved Individual Wind Energy Systems: Individual wind energy systems shall have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. Applications for non-certified individual wind energy systems must include a description of the safety features of the system prepared by a registered mechanical engineer.

9. Compliance with Applicable Codes: Individual Wind Energy Systems shall meet all applicable local, state and federal codes including the County Building Regulations and Residential Building Code of Ohio.

10. Utility Notification: No individual wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

11. Utility Connection: If the proposed wind energy system is to be connected to the power grid, it shall adhere to the Ohio Utilities Commission's interconnection standards.

D. Maintenance and Abandonment:

1. Individual wind energy systems shall be inspected by a licensed professional engineer for structural integrity every five (5) years. Any structural deficiencies shall be repaired within thirty (30) days or the Zoning Inspector shall issue a citation which immediately prohibits use of the individual wind energy system until repairs are made.

2. At such time that an individual wind energy system is scheduled to be abandoned or discontinued, the applicant shall notify the Zoning Inspector in writing within 30 days of the proposed date of abandonment or discontinuation of operations.

3. Upon abandonment or discontinuation of use, the owner shall physically remove the individual wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:

   a. Removal of the individual wind energy system and tower and related above-grade structures, supports, and other hardware associated with the individual wind energy system.

b. Restoration of the location of the individual wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

4. In the event that an applicant fails to give such notice of abandonment, the system shall be considered abandoned or discontinued when it ceases transmission of electricity for 30 consecutive days. After 12 months of inoperability, the Zoning Inspector may issue a Notice of Abandonment to the owner of the individual wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. If the owner provides information that demonstrates the individual wind energy system has not been abandoned, the Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

5. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Inspector it is determined that the individual wind energy system has been abandoned or discontinued, the owner of the individual wind energy system shall remove the system and related above- ground structures at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the individual wind energy system after the Notice of Abandonment procedure, the township shall have the authority to enter the subject property and physically remove the individual wind energy system. All costs associated with this removal shall be borne by the property owner.

E. Zoning Certificate Required: A zoning certificate shall be required before construction is commenced on an individual wind energy system. Applications submitted to the zoning inspector shall contain the following information:

1. A site drawing showing the:

a. Property lines and physical dimension of the applicant's property, including any adjacent, adjoining and contiguous roads, public right of ways, and easements.

b. Location, dimensions, and types of existing structures on the property.

c. Location of the proposed individual wind energy system, foundations, guy anchors, and associated equipment.

d. All setback distances as required in the zoning resolution.

2. Evidence that the individual wind energy system conforms to applicable industry standards including those of the American National Standards Institute (ANSI). An engineering analysis of the system showing compliance with the uniform Building Code and certified by a licensed professional engineer shall also be submitted. (This analysis is frequently supplied by the manufacturer.)

3. Individual wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, and nameplate generation capacity.

4. Individual wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

5. Sound level analysis prepared by the system manufacturer or qualified engineer which specifies the maximum decibel level of the particular unit.

6. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

7. Information on the location of public and private airports in relation to the location of the individual wind energy system and evidence of compliance or non-applicability with the Federal Aviation Administration requirements.

8. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled.

9. A list and/or depiction of all safety measures that will be on the unit including but not limited to anti-climb devices, grounding devices, lightning protection, braking systems, guy wiring, and anchors.

10. Hazardous materials containment and disposal plan.

Section 20.02 – SMALL WIND FARMS

A. Purpose: It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind farms.

B. Small Wind Farms: A small wind farm is a wind energy conversion system consisting of installed wind turbines and their associated facilities, all sharing a single interconnection to the electrical transmission grid, and having an aggregate generation capacity of less than 5 megawatts. Each wind turbine and its associated facilities is hereafter referred to as an individual component of a small wind farm.

C. Permitted Use**:** Small wind farms shall be a permitted use in AR-1, C-2, I, PCD, PID, and PUD zoning classifications, subject to certain requirements as set forth below:

1. System Height: The system height of any individual tower shall not exceed 125 feet. Maximum height shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower at ground level. The application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system, or the FAA.

2. Setback: Setbacks from all property lines for any system tower including the wind turbines themselves shall be ten feet greater than the maximum height of the system. No part of any wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site. Any component of the small wind farm shall be erected and placed in such manner that if it were to fall, in whatever direction the fall occurs, the system would be contained solely on the property where the small wind farm is located and would not fall on any public right of way.

3. Access: Any tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to unauthorized persons for a minimum height of ten (10) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

4. Noise: Any small wind farm component shall not exceed 60 dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

5. Electrical Interference: The applicant is responsible for assuring the proper installation of the small wind farm such that it does not create interference with any radio, television, computer terminal or similar electronic device or cause fluctuations in voltage beyond the applicant's property.

6.. Visual Impact: It is inherent that small wind farms may pose some visual impacts due to the tower height(s) needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind farm's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to, information regarding site selection, turbine design or appearance, buffering, and screening of ground- mounted electrical and control equipment. The color of the small wind farm components shall either be the stock color from the manufacturer or painted with a non-reflective, neutral color that blends in with the surrounding environment.

7. Wiring and Electrical Apparatus: All wires and electrical apparatuses associated with the operation of a small wind farm shall be located underground or in an appropriate enclosed structure.

8. Approved Small Wind Farms: All components of a small wind farm shall have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. Applications for non-certified components of small wind farms must include a description of the safety features of the component prepared by a registered mechanical engineer.

9. Compliance with Applicable Codes: Small Wind Farm components shall meet all applicable local, state and federal codes including the County Building Regulations and Residential Building Code of Ohio.

10. Utility Notification: No individual components of a small wind farm shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

11. Utility Connection: The small wind farm shall adhere to the Ohio Utilities Commission's interconnection standards.

D. Maintenance and Abandonment:

1. Individual components of a small wind farm shall be inspected by a licensed professional engineer for structural integrity every five (5) years. Any structural deficiencies shall be repaired within thirty (30) days or the Zoning Inspector shall issue a citation which immediately prohibits use of the individual component until repairs are made.

2. At such time that an individual component of a small wind farm is scheduled to be abandoned or discontinued, the applicant shall notify the Zoning Inspector in writing within 30 days of the proposed date of abandonment or discontinuation of operations.

3. Upon abandonment or discontinuation of use, the owner shall physically remove the individual component of the small wind farm within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:

    a. Removal of all above-grade structures associated with the individual component of the small wind farm.

    b. Restoration of the location of the individual component of the small wind farm to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

4. In the event that an applicant fails to give such notice of abandonment, the individual component of the small wind farm shall be considered abandoned or discontinued when it ceases transmission of electricity for 30 consecutive days. After 12 months of inoperability, the Zoning Inspector may issue a Notice of Abandonment to the owner of the small wind farm. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. If the owner provides information that demonstrates the individual component of the small wind farm has not been abandoned, the Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

5. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Inspector it is determined that the individual component of the small wind farm has been abandoned or discontinued, the owner shall remove the structure and related above- ground structures at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the individual component of the small wind farm after the Notice of Abandonment procedure, the township shall have the authority to enter the subject property and physically remove the individual component. All costs associated with this removal shall be borne by the property owner.

E. <u>Zoning Certificate Required</u>**:** A zoning certificate shall be required before construction is commenced on a small wind farm. Applications submitted to the zoning inspector shall contain the following information:

1. A site drawing showing the:

    a. Property lines and physical dimension of the applicant's property, including any adjacent, adjoining and contiguous roads, public right of ways, and easements.

b. Location, dimensions, and types of existing structures on the property.

c. Location of the proposed individual components, foundations, guy anchors, and associated equipment.

e. All setback distances as required in the zoning resolution.

2. Evidence that all individual components of the small wind farm conform to applicable industry standards including those of the American National Standards Institute (ANSI). An engineering analysis of the system showing compliance with the uniform Building Code and certified by a licensed professional engineer shall also be submitted. (This analysis is frequently supplied by the manufacturer.)

3. Specifications, including manufacturer, model, rotor diameter, tower height, tower type, and nameplate generation capacity for all components of the small wind farm.

4. A copy of the application for interconnection with the electric utility provider.

5. Sound level analysis prepared by the system manufacturer or qualified engineer which specifies the maximum decibel level of each individual component.

6. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

7. Information on the location of public and private airports in relation to the location of the small wind farm and evidence of compliance or non-applicability with the Federal Aviation Administration requirements.

8. A maintenance schedule as well as a dismantling plan that outlines how an individual component will be dismantled.

9. A list and/or depiction of all safety measures that will be on the individual component including but not limited to anti-climb devices, grounding devices, lightning protection, braking systems, guy wiring, and anchors.

10. Hazardous materials containment and disposal plan.

Section 20.03 – ACCESSORY SOLAR ENERGY SYSTEMS

A. Purpose: The purpose of this regulation is to promote the safe, effective, and efficient use of Accessory Solar Energy Systems installed to reduce the on-site consumption of utility-supplied electricity. An Accessory Solar Energy System shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an Accessory Solar Energy System without first having obtained a zoning permit from the zoning inspector (Section 20.03(C)). All structures shall

conform to state and local building codes and all building permits shall be in effect on the day construction or any alteration begins.

Subdivision Development Plans, Deed Restrictions, and Homeowners and Condo Associations may have additional restrictions/requirements on the use of Solar Energy Equipment. The applicant is responsible for researching and obtaining permission as needed before applying for a Zoning Permit Application and/or Building Permit.

B. An Accessory Solar Energy System, including Integrated, Rooftop, and Ground Mounted Solar Energy System is permitted in all zoning districts in Harlem Township as an accessory to a principal use, subject to the following requirements.

1. An Accessory Solar Energy System shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.

2. An Accessory Solar Energy System that is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located, with a generation output of five hundred (500) watts or less (or a combination of systems with an aggregate generation output of five hundred (500) watts or less) shall be exempt from the requirements of this section, except for setback requirements.

3. Roof/Building mounted Accessory Solar Energy Systems:

   a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.

   b. May not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.

   c. May be mounted to a principal or accessory building.

4. Ground/Pole mounted Accessory Solar Energy Systems:

   a. Shall be no taller than seventy-five (75) percent of the principle structure on the lot.

   b. Shall be permitted in the rear or side yard only.

   c. Shall be erected within an established Clear Fall Zone.

   d. Must comply with the Accessory Use setback requirements applicable to the zoning district where located.

e. Shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the system on adjacent lots and from any public right-of-way. Such systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

5. Other structure-mounted Accessory Solar Energy Systems:

a. Shall be no taller than seventy-five (75) percent of the principle structure on the lot.

b. Shall be permitted in the rear or side yard only.

c. Shall be erected within an established Clear Fall Zone.

d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred and ten (110) percent of the height of any structure or the Accessory Use setback, whichever is greater.

6. Glare: Accessory Solar Energy Systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights of way.

7. Noise: Accessory Solar Energy Systems shall not exceed forty (40) dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe storms.

8. Lot Coverage: All Accessory Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Solar Energy System(s) shall not exceed in the aggregate thirty (30) percent of the total area of the lot or tract.

9. Maintenance and Removal: An Accessory Solar Energy System must be maintained in good working order at all times. Any such system and all solar energy equipment that is no longer functioning shall be completely removed from the property within three (3) months from the date it is no longer producing electricity, become damaged, discontinued, or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.

C. Application Process: A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:

1. An engineering report that shows:

a.) The total size and height of the proposed Solar Energy System(s) at maximum tilt.

b.) Data specifying the megawatt size and generating capacity in megawatts of the particular Solar Energy System.

c.) Hazardous materials containment and disposal plan.

2. A site drawing showing the location of the Solar Energy System including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.

3. Evidence of compliance with applicable setback and all other applicable zoning restrictions including the Clear Fall Zone, where required.

4. A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.

5. Proof of notice to the electric utility company, Soil and Water Conservation District, and the Delaware Public Health District regarding the proposal.

6. Any other information or materials reasonably requested by the Zoning Inspector.

Section 20.04 – PRINCIPAL SOLAR ENERGY PRODUCTION SYSTEMS

A. Purpose: Principal Solar Energy Production Facilities are Energy Systems that are intended to produce electricity to sell into the market. This is not intended to cover residential or business energy installations that provide onsite power. This section applies to facilities that generate less than fifty (50) megawatts of electricity and are larger than fifteen (15) acres. This article applies to the siting, construction, installation, maintenance, and decommission of any new small-scale solar facility. Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

No person shall cause, allow or maintain the use of a Principal Solar Energy Production Facility without first having obtained a zoning permit from the zoning inspector (Section 20.04(C)). All structures shall conform to state and local building codes and all building permits shall be in effect on the day construction or any alteration begins.

Subdivision Development Plans, Deed Restrictions, and Homeowners and Condo Associations may have additional restrictions/requirements on the use of Solar Energy Equipment. The applicant is responsible for researching and obtaining permission as needed before applying for a Zoning Permit Application and/or Building Permit.

B. Any Principal Solar Facility shall comply with the following specific requirements:

1. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Principal Solar Facility as detailed

further in a road use and maintenance agreement ("RUMA") with the Township and any other relevant agency. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.

2. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Principal Solar Facility is located.

3. Location:
   a. No Principal Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.

   b. No Principal Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.

4. Height: the maximum height of any Principal Solar Facility shall not exceed the maximum height permitted in the zoning district it is to be located in.

5. Buffers and Setbacks:

   a. Where a Principal Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Facility (other than components located entirely underground) shall be located within one hundred (100) feet of an existing residential dwelling.

   b. No Principal Solar Facility (other than components located entirely underground) shall be located within fifty (50) feet of another property line.

   c. No Principal Solar Facility (other than components located entirely underground) shall be located within a distance from the right-of-way as defined in Section 20.10 or within one hundred (100) feet of a shared-use driveway.

6. Visual Buffer: A Principal Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:

   a. Enhances the view from any existing residential dwelling and from any public right-of-way;

   b. Is in harmony with the existing vegetation and viewshed in the area; and

   c. Provides reasonable visual screening to minimize view of and noise from the Principal Solar Facilities to adjacent lots and from any public right-of-way.

7. Advertising: Principal Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification

(name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

8. Glare: Principal Solar Facilities shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights of way.

9. Noise: Principal Solar Facilities shall not exceed forty (40) dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe storms.

10. Lighting: All lights associated with the Principal Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.

11. Fencing: Any fencing and/or screening installed in connection with the Principal Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.

12. Maintenance and Removal:

    a. Principal Solar Facilities must be maintained in good working order at all times. A facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. The owner of the property, within thirty (30) days of permanently ceasing operation of a facility, shall provide written notice of abandonment to the Zoning Inspector. An unused facility may stand no longer than three (3) months following abandonment and shall adhere to, at minimum, the approved dismantling plan on file.

    b. All costs associated with the dismantling/demolition of the Principal Solar Facility and associated equipment shall be borne by the property owner. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing facility and, in the case of Ground Mounted Solar Energy Systems, returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/ installation.

C. Application Process: A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:

1. An engineering report that shows:

    a.) The total size and height of the proposed Solar Energy System(s) at maximum tilt.

    b.) Data specifying the megawatt size and generating capacity in megawatts of the particular Solar Energy System.

    c.) Hazardous materials containment and disposal plan.

2. A site drawing showing the location of the Solar Energy System including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.

3. Evidence of compliance with applicable setback and all other applicable zoning restrictions including the Clear Fall Zone, where required.

4. A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.

5. Proof of notice to the electric utility company, Soil and Water Conservation District, and the Delaware Public Health District regarding the proposal.

6. Any other information or materials reasonably requested by the Zoning Inspector.

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ARTICLE XXI – GENERAL DEVELOPMENT STANDARDS

Section 21.01 – GENERAL

It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to protect and enhance the general welfare of the citizens of Harlem Township. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

Section 21.02 – PARKING

Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

A. Dimensions: All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisle ways of sufficient width to permit easy and smooth access to all parking spaces.

B. Parking: Except in the Farm Residential Zoning District (FR-1) and the Agricultural Residential District (AR-1) all common parking areas and adjacent aisles or driveways shall be paved with asphalt material or concrete.

C. Driveways: All parking lots for five (5) or more vehicles shall be served by a driveway not less than 20 feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within 100 feet of the nearest right of way line of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than 100 feet and the other not less than 40 feet from the nearest right-of-way line from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least 300 feet.

D. Parking Area Location: No parking lot or parking area shall be located nearer than six feet to the side or rear line of the tract on which the structure is located. Parking in front of the main structure may be permitted only if not more than 40 percent of the front setback area outside of the nearest right-of-way is occupied by parking. The remaining 60 percent of setback area shall be landscaped and shall be properly maintained. All parking spaces required herein shall be located on the same lot with the building or use served.

E. Required Off-Street Parking Spaces: The user of any tract shall provide off-street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided.

USE	REQUIRED PARKING SPACES
1. Single family residential (AR-1), (FR-1) and (R-2)	Four per dwelling unit

2. HCVR-1	Two per dwelling unit
3. All other residential	Three per dwelling unit
4. Hotels, motels, lodges, bed and breakfast (without public meeting facilities)	One per rental unit plus one per employee on largest shift plus one for each four seats in the dining room or restaurant area
5. Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	One per rental unit plus one per employee on the largest shift plus one per 75 sq. ft. of floor area used for exhibition or assembly purposes plus one per four seats in any restaurant therein.
6. Churches or places of public assembly	One for each three seats or one for each 45 sq. ft. of assembly area, whichever is greater
7. Hospitals	1 ½ for each bed plus one for each employee on the largest shift
9. Nursing homes, Group homes	One for each two beds plus one for each employee on the larges shift
10. Museums, libraries	One for each 400 sq. ft. of each area open to the public plus one for each employee on the largest shift
11. Primary or elementary schools	Four for each classroom
12. Secondary schools, colleges, trade schools, etc.	Four for each classroom plus one for each four students
13. Restaurants	One for each two seats plus one for each employee on the largest shift; not less than 25 parking spaces shall be provided
14. Offices	One for each 400 sq. ft. of floor area plus one for each employee
15. Funeral homes	One for each 25 sq. ft. of public area
16. Retail stores	Five plus one for every four hundred (400) sq. ft. of floor space
17. All industrial, warehousing	20 plus one for each two employees plus one for each vehicle maintained on the premises

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

Section 21.03 – HEIGHT LIMITATIONS

The building height limitations set forth in this Resolution shall not apply to barns, silos, grain bins, grain handling conveyors, church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, or water towers. Windmills, aerials, antennas or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract.

Section 21.04 – STRUCTURE SEPARATION

No principal structure shall be located closer than twenty (20) feet to another principal structure unless the adjacent walls of both structures are masonry in which even said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 21.05 – SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL

All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Delaware Public Health District. Prior to issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

Section 21.06 – WATER IMPOUNDMENT

All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

A. Except adjacent to a Class "A" Roadway no impoundment shall be closer than 25 feet to the nearest right-of-way or 55 feet to the center line of any adjacent approved road.

B. No impoundment shall be located closer than 50 feet to the nearest right-of-way of a Class "A" Roadway.

C. No impoundment shall be located in the front yard of any district except the AR-1 and FR-1 districts, except upon issuance of a conditional use permit pursuant to Article XXVIII of the Resolution or as approved in plans of development or approved subdivision plats.

D. Access to all installed swimming pools shall be controlled in a manner which complies with Delaware County Building Regulations. The property owner shall furnish the Zoning Inspector with a copy of Delaware County's final inspection report within two weeks of issuance of said report.

Section 21.07 – LANDSCAPING

All uses and improvements in the township should pay close attention to the maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible.

Section 21.08 – DRAINAGE

All construction within Harlem Township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or subservient properties is maintained or improved.

In no event shall any person interfere with any existing tile or surface drain channel unless it is determined by the Delaware County Soil and Water Conservation District that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Section 21.09 – FLOOD PLAIN REGULATION

Certain limited areas of the Township lie within a 100-year flood plain. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within

those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the township, the following regulations shall be imposed.

A. The Delaware County Department of Building Safety shall maintain on file for public examination, current maps, delineating the boundaries within the township of all lands designated "flood way". In the event a property owner contests the boundaries of such flood way, he or she shall be given reasonable opportunity to present technical evidence to support his or her position.

B. Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.

C. No new structure shall be permitted within the one hundred (100) year flood way, and no use shall be permitted within the flood way which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or flood way of any tributary to the main stream, drainage ditch or other drainage facility or system.

D. No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Evidence must be provided that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulk heading. No dredging shall be permitted of the channel or flood way unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.

E. Flood Plain Buffer: A riparian buffer should be preserved along the length on both sides of perennial or intermittent stream channels. The buffer area should have a width of not less than fifty (50) feet as measured from the stream bank. Runs and ditches where water flows only during rainstorms should have a buffer of thirty-five (35) feet. These buffer areas should be restricted from development and managed to promote the growth of vegetation indigenous to the area which is capable of maintaining the structural integrity of the stream bank.

Section 21.10 – SETBACK REGULATIONS

No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways or Common Access Drives (C.A.D.) than the distances set forth in the tables or chart set forth hereinafter.

A. Minimum Setback Distances: All distances are measured in feet from the surveyed center line of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Article XXI of this resolution.

B. If no survey determining the centerline of the roadway exists the centerline may be determined by using pavement measurements.

USE CLASSIFICATION	ROAD CLASSIFICATION		
	CLASS A	CLASS B	CLASS C
AR-1 – Agricultural Residential	130	90	90
FR-1 – Residential	130	90	90
R-2 – Residential	130	90	90

C-1 – Neighborhood Office	130	90	90
C-2 – Neighborhood Commercial	130	90	90
I – Industrial	130	130	100
Planned Districts and Overlays	As approved in Development Plan (Class P)		

C. Roads: All streets, roads, highways, Common Access Drives (C.A.D.), and all unnamed streets and alleys in Harlem Township, the Village of Harlem and Center Village shall be classified as per the following listing:

NAME	ROAD #
Class "A" Roads	
State Route 37	
State Route 605	
Fancher Road	County Rd. 20
Harlem Road	County Rd. 17
Red Bank Road	County Rd. 31
Smothers Road	County Rd. 3
Woodtown Road	County Rd. 23
Class "B" Roads	
Adams Road	Twp. 40
Bevelheimer Road	Twp. 2
Center Village Road	County & Twp. 25
Duncan Run Road	Twp. 27
Hatch Road	Twp. 37
Gorsuch Road	County & Twp. 27
Kean Road	Twp. 37
Miller Paul Road	County 18
Montgomery Road	Twp. 26
Needles Road	Twp. 23
Green Cook Road	Twp. 29
North County Line Road	County 51
Lewis Road	Twp. 38
Robins Road	Twp. 36
South County Line Road	County 51
Trenton Road	County & Twp. 22
Class "C" Roads	
Mayfair Drive	Twp. 328
North Drive	Twp. 341
Lakewood Drive	Twp. 328
Rich Street	Twp. 330
South Street	Twp. 405
Water Street	Twp. 405

West Street	Twp. 405
Brookview Drive	Twp. 405
Covan Drive	Twp. 393
Evans Road	Twp. 269
Hughes Road	Twp. 261
Mayfair Court	Twp. 328
Overbrook Dr.	Twp. 407
Orchard Road	Twp. 329
Thornbrook Drive	Twp. 406
Ivy Ridge Road	Twp. 1356

Class "P" Roads

Pine View Drive	Twp. 1550
Keller Pines Court	Twp. 1551
White Fir Lane	Twp. 1552

Walnut Street, Neal Alley and all unnamed streets and alleys in the villages of Harlem and Center Village.

Champaign Court, Erie Court, Hoover Court, Champaign Avenue, Hoover Court North, Hoover Court South, Huron Road, Michigan Court, Ontario Court, St. Clair Avenue, Superior Court are all private roads in Westerville Estates Trailer Park.

Ridgeview Drive – private road in recorded Dunn Ridge Subdivision.

Section 21.11 – DRIVEWAY CONSTRUCTION

It being considered important that driveways serving any property or use be constructed in a manner which ensures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the following standards are required for such driveways:

A. All Driveways (any use): In addition to the conditions or specifications imposed in subsection (2) or (3) hereinafter established, the following specifications are required for all driveways, regardless of the use served thereby:

1. Driveway shall not, at any point over its entire length have a grade, up or down, from the public road pavement level exceeding eight (8) percent for a minimum of twenty-five (25) feet.

2. Driveways shall not, at any point over its entire length, contain a grade exceeding twelve (12) percent.

3. At the point the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency (State, County or Township) which controls the public roadway.

4. If the driveway leaves the public road on an up-grade the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.

5. If any driveway crosses a drainage swale, stream or ditch the same should be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm. Any pipe should be of sufficient length to extend not less than three (3) feet beyond the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch should be designed with HS 15 loading by a Professional Engineer. No bridge should be less than twelve (12) feet in width. If the driveway serves a commercial or industrial use, the bridge should be not less than eighteen (18) feet in width.

6. If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-to-one slope. All fill areas shall be scalped of vegetation and excavated to load-bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and should be compacted to a density of ninety-five (95) percent proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.

7. Drainage ditches shall be constructed as necessary parallel to said driveway; such ditches should be graded to a good and sufficient outlet. Siltation control should be placed in any ditch, and such siltation should not flow to roadside ditches along public roads.

8. All curves in the driveway shall be of sufficient inside radius (not less than 50 feet) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.

9. All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.

10. Obstructions of the prevailing wind-ward side of the driveway which contribute to drifting snow shall, when possible, be removed.

11. An adequate open area shall be provided at the end of the driveway to allow emergency and fire vehicles to turn around.

12. The first phase of any construction project shall be the construction of a driveway of aggregate to provide off-street parking for construction vehicles and to prevent the tracking of dirt onto the public roadway.

13. Flag lots must be separated by a lot meeting the required frontage at the right-of-line on any road in the township.

B. Residential Driveways: In addition to the conditions imposed by Section 21.11 (A) hereinbefore set forth, the following standards are required for driveways serving residential structures or uses:

1. Driveways serving individual residential structures shall not be less than ten (10) feet in width and shall be constructed over an aggregate base of reasonable depth.

2. A Common Access Driveway (CAD) serving two (2) or more residences, shall be twelve (12) feet in width and shall be constructed over an aggregate base of reasonable depth according to soil type in that area.

3. Dust control shall be provided on an "as needed" basis.

C. Commercial, Industrial, Public Facility and Apartment Complex Driveways and Parking Areas: In addition to the conditions recommended by Section 21.11(A) hereinbefore set forth, the following standards are required for driveways serving all commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area.

1. Driveways shall not be less than twenty (20) feet in width.

2. Driveway and parking areas and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.

3. The finished surface of the driveway and parking area shall be asphalt or concrete.

Section 21.12 – INDUSTRIALIZED OR MANUFACTURED STRUCTURE (MODULAR, TRAILERS, OR MOBILE HOMES OR OFFICES)

For the purpose of this Resolution, a modular home, modular office or modular industrial unit shall be defined as an industrialized unit which has been inspected and certified to be in compliance with the Ohio Building Code. All such units shall be approved for their appropriate zoning district, the same as a site built structure. All local, state, and federal requirements and permits shall be required. All other industrialized or manufactured units shall be considered a temporary structure, trailer, or mobile home, mobile office, or mobile industrial unit and shall be limited in placement by this resolution.

Section 21.13 – OWNERSHIP AND MAINTENANCE OF OPEN SPACE

A. Ownership of Open Space: Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain undivided and may be owned and managed by a homeowners' association, the township, or a recognized land trust or conservation district (conservancy). A narrative describing ownership, use and maintenance responsibilities, and ongoing funding sources shall be submitted for all common and public improvements, utilities, and open spaces. Funding sources may include tax assessment if necessary.

Ownership Standards: Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township:

1. Offer of Dedication. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: a) such land is accessible to all the residents of the Township; b) there is no cost of acquisition other than incidental cost related to the transfer of ownership; c) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township

may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

2. Homeowners' Association: The undivided common open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

   a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

   b. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.

   c. Membership in the association is mandatory for all purchasers of homes therein and their successors. The condition and timing of transferring control of the association from developer to homeowners shall be identified.

   d. The association shall be responsible for maintenance of insurance and taxes on the undivided common space, enforceable by liens placed by the Township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

   e. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.

   f. In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners' association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.

   g. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.

   h. The homeowners' association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:

      i. that the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);

      ii. that the undivided common open space shall be maintained for purposes set forth in this Section;

      iii. that the operation of common space may be for the benefit of the residents only, or may be open to all residents of the township. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open

space within the township, all residents of the township shall have access to such identified paths/walkways; and,

iv. the lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder and notification shall be provided to the Township Trustees within 30 days of action by the Board.

3. Condominium Agreements. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.

4. Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by a condominium or homeowners' association, provided:

   a. Such land is accessible to township residents;

   b. There is no cost of acquisition other than incidental transfer of ownership costs;

   c. A satisfactory maintenance agreement is reached between the developer, association and the Township.

5. Transfer of Easements to a Governmental or Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a governmental or private nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

   a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

   b. The conveyance contains appropriate provisions for the Township as entered into by the developer and the organization.

B. Maintenance of Open Space:

1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development, setting forth the manner in which the organization has failed to maintain the

common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said (30) days or any extension, thereof, the Township Trustees may pursue the enforcement as a zoning violation and/or pursue action through ORC 505.86 and/or 505.87 at their discretion.

Section 21.14 – LIGHTING

Lighting shall be adequate to promote the safety of residents and shall be shielded and directed so as not to interfere with the enjoyment of residents at nearby properties. Exterior lighting should be directed so as to control light trespass and glare on adjacent properties and public roadways and to reduce atmospheric light pollution.

Every proposed development in any district except for AR-1 Agricultural Residential and FR-1 Farm Residential shall include a lighting plan with the application.

Section 21.15 – TEMPORARY OR PORTABLE STORAGE STRUCTURES

A Temporary or Portable Storage Structure is any container, storage unit, shed-like container, the trailer portion of a tractor trailer, boxcars, shipping containers or any other portable structure (e.g., PODS), other than an accessory building or shed complying with all building codes and land use requirements, that can be or is used for storage of personal property of any kind and which is located for such purpose outside an enclosed building. Such temporary or portable storage structures may be permitted as a temporary use in any zoning district. All such temporary or portable storage structures are subject to the following requirements:

A. A Temporary or Portable Storage Structure shall be less than two hundred (200) square feet and eight (8) feet or less in height.

B. Not more than two (2) Temporary or Portable Storage Structures shall be permitted on any lot at any time.

C. No Temporary or Portable Storage Structure shall be located in the public right-of-way.

D. A Temporary or Portable Storage Structure shall be located no closer to an adjacent lot than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the Portable Storage Structure is located.

E. A Temporary or Portable Storage Structure shall only be used for the storage of personal property and for no other purpose whatsoever.

F. The placement of a Temporary or Portable Storage Structure shall be in such manner as to not create a public nuisance.

G. A Temporary or Portable Storage Structure is not permitted as a permanent storage structure regardless of the proposed location on a lot.

H. A Temporary or Portable Storage Structure must not remain at the property in any zoning district in excess of thirty (30) consecutive days and must not be placed at any one property in a zoning district in excess of thirty (30) days in a calendar year (except as provided in I, below).

I. A Temporary or Portable Storage Structure associated with construction or remodeling where a building permit has been issued is permitted for the duration of the construction or remodeling and shall be removed from the site within fourteen (14) days of the end of construction or remodeling.

J. A Temporary Use Permit shall be obtained prior to the placement of a Temporary or Portable Storage Structure on a property.

Section 21.16 – STANDARDS FOR REGULATING EXTERNAL IMPACTS

A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provisions of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA).

B. Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the OEPA.

C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

D. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

E. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

G. Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the OEPA shall be adhered to.

Section 21.17 – LIMITED HOME OCCUPATIONS

Within this Resolution, Limited Home Occupations are allowed where specifically referenced as permitted. Limited Home Occupations conducted by the resident of a permitted dwelling are subject to the following restrictions:

A. The owner of the premises must reside in the dwelling unit used for the home occupation.

B. No person, who is not a resident of the dwelling unit, may participate in the home occupation as an employee or volunteer.

C. Either the dwelling unit, basement, or attached garage may be utilized in the conduct of the home occupation provided that the area of home occupation conduct does not exceed four hundred (400) square feet or twenty percent (20%) of the gross floor area of said dwelling unit, whichever is less.

D. Use of any accessory building for a home occupation is prohibited. No building or space outside of the dwelling unit shall be used for display or storage of goods or material.

E. The external appearance of the dwelling unit in which the home occupation use is to be conducted shall not be structurally altered to accommodate the home occupation; nor shall any electrical, mechanical or chemical equipment be utilized which would substantially increase the fire hazard and/or fire load of the structure as determined by the local fire chief and Ohio Fire Code.

F. No more than two (2) additional parking spaces may be proposed in conjunction with the home occupation and said parking spaces shall not be located in a front yard.

G. Equipment or processes shall not be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.

H. Only one (1) sign shall be allowed. It may display the name of the occupant and/or the name of the home occupation. The sign shall not exceed two (2) square feet in area, shall be non-illuminated, and must be attached flat to the main structure or may be visible through a window. The limitation of one (1) sign shall apply to all lots, including corner lots. Additional use of advertising signs for home occupation on the premises shall not be permitted.

Section 21.18 – TEMPORARY STRUCTURES INCIDENTAL TO CONSTRUCTION

A temporary structure such as a mobile office and/or a temporary building of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

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ARTICLE XXII – SIGN REGULATIONS

Section 22.01 – PURPOSE

The purpose of these sign regulations is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance, preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

Signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled, or removed. No sign shall hereafter be relocated, rebuilt, enlarged, extended, or otherwise altered except through conformance with these regulations.

Section 22.02 – CLASSIFICATION OF SIGNS

All signs erected within Harlem Township shall fall within one of the following categories:

A. Those signs which require no permit as identified and described in Section 22.03.

B. Those signs which require a permit issued by the Zoning Inspector as identified and described in Section 22.04.

C. Those signs which are prohibited as identified and described in Section 22.05.

Section 22.03 – SIGNS REQUIRING NO PERMIT

The following signs shall be permitted in Harlem Township subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under terms of this section, although applicants are encouraged to register such signs with the township at no fee.

A. Real Estate Signs: Signs identifying a property for sale, rent, or lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leased. One (1) real estate sign shall be allowed per road frontage and the size of each sign shall not exceed six (6) square feet in area per side with not more than two (2) sides per sign.

B. Vehicular Signs: Incidental signs pertaining to vehicular or pedestrian control on private property provided that the said signs are located outside the right-of-way of any public street or road as per review by the Harlem Township Zoning Inspector, do not exceed two (2) square feet of area per side, and do not interfere with or obstruct visibility when entering or leaving said property.

C. Political Signs: Such signs involving any candidate for public elective office or any issues and similar matters shall be permitted in any district of the township.

D. Temporary Signs: Such signs announcing special public or institutional events. Such signs shall not exceed twenty (20) square feet in area per side with not more than two (2) sides and shall not be

permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event.

E. Farm Signs: Denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one sign of any type may be permitted, and it shall be located outside the road right-of-way. Signs denoting produce or products for sale may not exceed twenty (20) square feet of area per side with not more than two (2) sides; and, all other signs shall be limited to four (4) square feet of area per side with not more than two (2) sides.

F. Governmental Signs: For control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety provided that such sign contains no supplemental advertising.

G. Flags, Emblems, and Insignia: Of any governmental agency or political subdivision.

H. Historical Signs, Commemorative Plaques, or Cornerstones: Placed by recognized historical agencies.

Section 22.04 – SIGNS REQUIRING A PERMIT ISSUED BY THE HARLEM TOWNSHIP ZONING INSPECTOR

Those signs which require a permit issued by the Harlem Township Zoning Inspector are subject to the regulations herein set forth and as identified and described in this section. The erection or location of any of these signs within Harlem Township shall require a permit unless otherwise specified within this Resolution. Each application for a permit to erect a sign shall be accompanied by a scaled 11" by 17" (minimum) drawing showing the proposed design, size, style, and color of letters, lines, and symbols. In addition, the details and specifications for construction shall be described, including the exact location of the sign in relation to the building and property.

A. **Residential Subdivision Identification Signs:**
Residential Subdivisions which are platted by the Delaware County Subdivision Regulations may erect identification signs as defined herein. Such sign will be in harmony with the residential neighborhood and will not detract from the appearance of the general area in which it is located or adversely affect nearby property values.

Such sign shall be limited to ground-mounted signs, with placement on a brick or stone wall, entrance feature, on a similar architectural or landscaping entrance feature, or supported by posts, pillars, or column. The reverse sides of identification features shall be finished to match the fronts. Such sign shall be made of at least eighty percent (80%) natural materials, including wood, brick, or stone. If such sign is affixed to a base, such base shall have a width at least eighty percent (80%) of that of the main body of the sign.

Residential Subdivision Signs	3-5 lots	6 or more lots
Maximum Number of Signs Permitted Per Entrance	1	2
Maximum Square Footage Per Sign Face	20	32
Maximum Height (Feet)	6	8
Minimum Distance from ROW (Feet)	10	10

B. **Ground-Mounted Signs for Industrial, Commercial, or Office Uses:**
Non-residentially zoned uses may erect identification signs as defined herein. Such sign will be in

harmony with the existing or proposed building on the site, and will not detract from the general appearance of the neighborhood in which it is located or adversely affect property values in the area.

Such identification shall be limited to a ground-mounted sign identifying the industrial, commercial, or office use or complex. All Ground Mounted Signs shall have a solid base consistent with the primary building material. Sign shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone and shall be affixed directly to a base having a width at least equal to that of the main body of the sign.

Ground-Mounted Signs for Industrial, Commercial, or Office Uses.	
Maximum Number of Signs Permitted Per Entrance	1
Maximum Square Footage Per Sign Face	32
Number of Sides per Sign	2
Maximum Height (Feet)	8
Minimum Distance from ROW (Feet)	25
Minimum Distance from Side Lot Line (Feet)	25
Minimum Area of Landscaping Around All Sides in Square Feet	50

C. **Wall Signs Identifying Industrial, Commercial, or Office Uses:**
A Wall Sign identifying the business within a building may be erected as defined herein. Wall signs shall be located on or along a wall of such building which faces a street, parking lot, or service drive. Such sign will be in harmony with the building(s) on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values. Letters, numerals, or other graphics attached directly to the building wall or carved into the face of the building shall be considered a wall sign, subject to the following conditions.

Wall Signs for Industrial, Commercial, or Office Uses	
Maximum Number of Signs Permitted Per Primary Building	1
Maximum Square Footage Per Side for each foot of building width or part of the building width occupied by the given establishment.	1 not to exceed 32
Maximum Height from the base of the building (in feet)	12
Maximum projection from wall (in inches)	6

D. **Signs For Home Occupations:**
Such signs shall be in accordance with Article VII, Section 7.04, Subsection (A)(6); or Article VIII, Section 8.04, Subsection (A)(6), or Article XXI, Section 21.17, whichever shall apply, of the Harlem Township Zoning Resolution.

E. **Temporary Signs:**
Larger temporary signs, such as signs for sale or lease, shall conform to the following unless otherwise regulated.

1. Two (2) Temporary Signs shall be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:

a. Exceed eight (8) feet in height.

b. Exceed thirty-two (32) square feet in area (per Sign face).

c. On parcels of five (5) acres or smaller, such signs shall be displayed for no more than ninety (90) consecutive days. After said permit has 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.

   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. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals.

d. Temporary Signs shall not count toward the total maximum square footage of signs permitted on a lot.

Section 22.05 – PROHIBITED SIGNS

Unless otherwise specifically defined in these regulations, the following signs shall be prohibited in Harlem Township:

A. Any sign not specifically defined by the express terms of the Harlem Township Zoning Resolution.

B. Portable signs, pennants, streamers, spinners, banners, string(s) of lights, flashing lights, air-activated attraction devices, and other similar devices.

C. Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.

D. Signs that are attached or otherwise applied to trees, utility poles, bus shelters, cellular towers, or telecommunication towers.

E. Signs that are painted directly upon the wall or roof of any building or structure, or are mounted upon the roof of any building or structure, except for identification signs on agricultural buildings.

F. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal, or device.

G. Changeable copy shall be prohibited on any permanent sign. Copy change may only take place upon application for and granting of a Variance by the Harlem Township Board of Zoning Appeals.

H. Message boards, video boards, flashing lights, moving signs, and animated signs.

I. Billboards.

J. Signs on vehicles or trailers visible from the public right-of-way or adjacent property for a continuous period of more than fourteen (14) days.

Section 22.06 – GENERAL REGULATIONS

The following regulations and restrictions shall apply to all signs located and erected within Harlem Township, regardless of type, style, location, design, or other classification:

A. Signs shall be designed utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign area and shall complement the primary building. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, and barn red.

B. Location: No sign shall be located within the right-of-way of any public or private road within the township.

C. Lighting:

1. All lighting, direct, indirect, or internal, shall consist of constant illumination which is uniform in intensity.

2. In no event shall a sign be illuminated to an intensity level which constitutes a traffic hazard or nuisance upon a public street, highway, sidewalk, or adjacent residential premises.

3. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illuminations therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent residential premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

4. Signs shall not make use of rotating, fluctuating, blinking, flashing, or intermittent lights.

D. Height: No signs within Harlem Township shall exceed twelve (12) feet in height above the finished surface of the nearest public road, street, highway, or thoroughfare.

E. Sight Interference: No sign in Harlem Township shall obstruct the free and clear visibility of pedestrian or vehicular traffic entering, leaving, or operating on any public or private road or street. Signs may not constitute a traffic hazard or contribute to traffic issues through confusion with any traffic control devices or create a visual distraction for such motorists.

F. Stability: All permanent signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will otherwise be fastened, suspended, or supported so that they will not be a menace to persons or property.

G. Maintenance: All signs constructed or erected within Harlem Township shall be maintained as follows:

1) All sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in proper state or preservation as determined by the Harlem Township Zoning Inspector.

2) Should any sign become deteriorated, become unsafe, or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

H. Traffic Safety, Colors, etc.: Signs shall not resemble, imitate, or approximate the shape, form, or color of official traffic signs, signals, and devices.

I. Determination of Sign Area: Total area of all signs shall be determined by the aggregate area of both display sides within the geometric area outlined by the supporting structure(s).

Section 22.07 – ABANDONED SIGNS

If any sign shall become abandoned in the manner defined herein, such sign is declared to be a public nuisance by reasons that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and a blighting influence on nearby properties. An abandoned sign is defined as any sign that meets any one of the following criteria:

A. Any sign associated with an abandoned use.

B. Any sign that remains after the termination of a business. A business is considered terminated or has ceased operation if it is closed to the public for at least 180 consecutive days. Seasonal businesses are exempt from this determination.

C. When the sign together with all supports, braces, guys, and anchors is not kept in proper state of preservation or repair.

D. When the sign and the immediate surrounding premises is not maintained by the owner or person in charge thereof in a clean, sanitary, and inoffensive condition free and clear of all obnoxious substances, rubbish, and weeds.

E. When all the repairs or maintenance as required by the Harlem Township Board of Zoning Appeals when granting a conditional use permit for a sign as in section 22.05 are not effected within the specified time as determined by the Harlem Township Board of Zoning Appeals.

F. When the sign does not conform to the provisions of this section.

G. When the sign does not have a permit or no exemption is available.

When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, as defined herein, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail or by personal delivery, of his findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The sign owner may appeal such decision to the Harlem Township Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.

If the sign is not removed, as ordered, the same may be removed by the township at the expense of the lessee or owner. If the township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Delaware County Auditor for collection as a special assessment against the property on which the sign is located.

Section 22.08 – NON-CONFORMING SIGNS

Any sign in existence within Harlem Township prior to the effective date of this Article that does not conform with the provisions of this Article is considered to be non-conforming.

Any sign that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally. A non-conforming sign shall be maintained or repaired in accordance with the following provisions:

A. The size and structural shape shall not be changed or altered.

B. The copy may be changed, provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the original owner of the sign at the time the sign or billboard became non-conforming. Any subsequent owner or user shall bring the sign into compliance.

C. In cases where damage occurs to the sign to the extent of 50% or more of either the structure or the replacement value of the sign, the sign shall then be brought into compliance. Where the damage to the sign is less than 50% of the structure or its replacement value, the sign shall be repaired within thirty (30) days, after notification of the sign owner by certified mail.

Section 22.09 – PERMIT

No signs, except as provided for in Section 22.03 of this Resolution, shall be erected prior to the issuance of a permit thereof by the Township Zoning Inspector.

A. Permit Application: Each application for a permit to erect a temporary or permanent sign shall be accompanied by a scaled 11" by 17" (minimum) drawing showing the proposed design, the size, character, and color of letters, lines, and symbols, method of illumination, the exact location of the sign in relation to the building(s) and property, and the details of construction.

B. Fees: The applicant for a permit, herein, shall pay such fee as is prescribed by the Harlem Township Trustees. Such fees shall be prescribed annually, or more often, by the Harlem Township Trustees and such fee list shall be available from the Zoning Inspector.

C. Terms of Permit: The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.

D. Inspection: All signs erected within this township are subject to inspection, whether a permit is required or not prior to erection. The Township Zoning Inspector may make such inspection at any reasonable time and, the Township Zoning Inspector may order the removal of any sign that is not maintained and/or constructed in accordance with the provisions of this Resolution.

E. Cancellation of Permit: In the event the owner of any sign or property fails to comply with the terms of the Zoning Resolution, said permit maybe revoked by the Township Zoning Inspector upon his finding of a due cause.

F. Cancellation of Conditional Use Permit: In the event that the owner of any sign approved through the Conditional Use Permit process prior to the date of these amendments fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:

1. Notice: The Township Zoning Inspector shall notify both the owner of the sign and the owner of the land upon which the sign is located of any deficiency or violation of this Resolution. Notice shall be served personally or by certified mail at the last known address of the permit holder and/or land-owner upon which the sign is located. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXVIII of this Resolution dealing with the revocation of the conditional use permit. Failure to correct these deficiencies or to appeal the decision of the Harlem Township Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall be removed as provided by this Resolution.

G. Removal of Signs By The Zoning Inspector: If deemed necessary, the Zoning Inspector shall remove any sign illegally placed within the right-of-way of any road, street, highway, or thoroughfare within this township; any sign that endangers the public safety by reason of its location and placement; an abandoned sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically, or structurally defective sign; a sign for which no required permit has been issued.

1. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days of the mailing or serving of the notice the sign will be removed in accordance with the provisions of this section.

2. Said notice shall be served personally or by certified mail at the last known address of the permit holder and/or land owner upon which the sign is located.

3. The Zoning Inspector shall store any such removed sign and shall notify the owner thereof of its location by ordinary mail. If the owner of any sign fails to claim the same within thirty (30) days after the mailing of notice by the Zoning Inspector, said sign may be destroyed or discarded.

ARTICLE XXIII – PROCEDURE FOR REZONING TO A PLANNED DISTRICT

Section 23.01 – PURPOSE

Within the Harlem Township Zoning Resolution, specific Planned Districts are provided and adopted pursuant to ORC 519.021(A) and are intended to provide for unified design where the use and layout are known and approved with flexibility per an approved Development Plan. For the purposes of this Resolution, this procedure shall apply to the Planned Residential District.

In addition to any other procedures set forth in this Zoning Resolution, all Applications for Amendments to the Zoning Map to rezone land to the Planned Districts as referenced within the Resolution shall follow the procedures hereinafter set forth. No use shall be established or changed and no structure shall be constructed or altered until the required Development Plan has been approved in accordance with the provisions within the individual standards as defined in the Planned District.

Section 23.02 – APPLICATION AND PROCESS

The owner or owners of lots and lands within the Township may request that the zoning map be amended to include such tracts in a particular Planned District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission and Regional Planning Commission prior to formal submission of a Development Plan and request for an amendment of the zoning map, it being understood that no statement by officials of the Township or the County shall be binding upon either.

Unless otherwise defined, the filing of a rezoning Application and Development Plan shall be considered a zoning amendment as defined in ORC 519.12 and restated in Article XXVII, Amendments.

Section 23.03 – DEVELOPMENT PLAN

A number of copies as determined by the Zoning Commission of the Development Plan shall be submitted to the Zoning Commission with the application. Where applicable, the Plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio and shall state the specific Planned District being applied. The plan shall include, in text and map form, the following:

A. Names and addresses of owners and developers; Also, the names, parcel numbers, and mailing addresses of all owners of property, as shown on the Delaware County Auditor's current tax list, that are contiguous, adjoining, adjacent and across from the area proposed for the overlay approval;

B. The proposed size and location of the proposed Planned District, signed by a registered Ohio surveyor, at a scale of at least 1" = 200', including all Design Standards as described within the related District and also showing topographic contours, environmentally sensitive areas such as the 100-year floodplain, existing natural and cultural features of the tract including wooded areas, large trees (trunk diameter of twelve (12) inches and greater), streams, watercourses, drainage patterns, wetlands, floodplains, ravines, existing historical structures, archaeological sites, and slopes greater than twenty percent (20%), and a description of the proposed protection and/or use of these natural and cultural features in the development.

C. The proposed development character of the tract, including the limitations or controls to be placed on all uses with probable lot sizes, dimensions, density calculations, setbacks, existing and proposed structures, as well as any structures within two hundred (200) feet of the development tract.

D. A design of the proposed open space and description of its use and maintenance, if applicable;

E. Architectural design criteria for all proposed structures and signs with proposed control procedures, including specific renderings of structures and signs. Materials and colors shall be submitted for approval.

F. Signs, with specific renderings of the elevations. Any proposed lighting shall include control procedures;

G. All proposed bikeways and walkways along with the proposed widths and construction materials, if applicable;

H. Proposed landscaping, entrance features, and commonly-owned structures shown in detail which identifies the quantity and type and typical section of each. The landscape plan shall identify plants, shrubs, and trees by name, size at planting, and a rendering of how that section of the development would look in elevation.

I. The proposed locations of any proposed cluster mailbox units, associated off-street parking spaces, and proposed methods for maintaining said units and parking spaces.

J. Water supply and sanitary sewage disposal feasibility shall be indicated by the appropriate agency (Del-Co Water, Delaware Public Health District, Delaware County Sanitary Engineer and/or the Ohio EPA). Centralized sanitary sewage disposal systems, if necessary, shall be provided subject to Delaware County Sanitary Engineer, and Ohio Environmental Protection Agency approval. If on-site centralized sewage disposal systems are proposed, the applicant shall indicate who shall be responsible for their operation and maintenance, and shall provide a letter from the appropriate county or state agency declaring the site feasible for such systems, and for the anticipated sanitary flows.

K. Surface drainage with engineering feasibility letter supplied by the Delaware County Engineer.

L. A letter from the Township Fire Chief stating that fire protection is available and has sufficient capacity to serve the proposed land uses. Any special accommodations and access requirements for emergency and firefighting equipment as required by the Harlem Township Fire Chief shall be included.

M. The proposed traffic patterns including an access plan for the development showing public and private roads and other transportation facilities and parking areas. If temporary access roads are required during phased construction, the applicant is responsible for restoring these areas to natural landscaping when these service roads are no longer needed for construction access.

N. Preliminary Traffic Impact Analysis based upon new trip generation, indicating the proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

O. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

P. Location of schools, parks and other facility sites, if any, within, adjacent to, or proposed in the site.

Q. The proposed timetable or schedule for the proposed development, including street and transportation facilities, buildings, utilities, and other facilities, and removal of construction materials, equipment, trailers, and offices;

R. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give the township officials definitive guidelines for approval of future phases.

S. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

T. Specific statements of divergence from the development standards in Article VII, VIII, IX, and/or XXI or existing county regulations or standards and the justification therefore. Unless a variance from these development standards is specifically approved, the same shall be complied with. Except for density, permitted uses, and the percentage of required open space, the applicant may request a divergence by the Zoning Commission from the development standards set forth in Article XI. An applicant making such a request shall specifically and separately list each requested divergence and the justification thereof on the Development Plan submitted, with a request that the proposed divergence be approved "per plan";

U. Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of the public service facilities to be constructed within the project by the developer.

V. Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may request additional information or impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

W. Fees as established by the Harlem Township Trustees.

Section 23.04 – CRITERIA FOR APPROVAL

In approving an application for a Planned District, the reviewing authorities shall determine:

A. If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.

B. If the proposed development advances the intent of the comprehensive plan or portion thereof as it may apply.

C. If the proposed development advances the general welfare of the township and the immediate vicinity.

Section 23.05 – EFFECT OF APPROVAL

The Development Plan as approved by the Zoning Commission and the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.

Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved Development Plan. Unless the required plats are properly recorded and significant construction, meaning the physical placement of roads or drainage improvements, has not begun within three (3) years, the Development Plan approval shall expire unless an extension is approved. If the Plan expires, the map amendment to the Planned District remains in place, however a new Development Plan must be submitted for approval.

Section 23.06 – EXTENSION OF TIME OR MODIFICATION

An extension of time limit as a modification of the approved Development Plan may be approved by the Zoning Commission. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 11.06(D) as therein before set forth.

Section 23.07 – PLAT REQUIRED

In the Planned District no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved Development Plan and the Subdivision Regulations of Delaware County.

Section 23.08 – ZONING CERTIFICATE

After the Development Plan is approved and any required Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit for individual lots upon payment of the required fees and submission of a detailed site plan for each lot. No zoning certificate shall be issued for any building or use until such time as the facilities and improvements for the phase in which the building or use is located are completed. The zoning permit shall be for a period not to exceed two (2) years unless otherwise provided for by an approved extension.

Section 23.09 – MODIFICATION OF DEVELOPMENT PLAN

A. An extension of the time limit for the approved Final Development Plan may be granted by the Township Zoning Commission without public hearing provided they find that such extension is not in conflict with public interest.

B. A request for minor changes to the Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.

C. In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall utilize the same procedures and criteria as established for the approval of the original Development Plan. Substantial departures from the original application include, but are not limited to, the following:

1. A change in the use or character of the development;

2. An increase in overall lot coverage of structures and off-street parking;

3. An increase in the density;

4. A reduction in approved open space;

5. A reduction of off street parking and loading space;

6. A reduction in required pavement widths;

7. A reduction of the acreage in the Planned Development;

8. Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.

Section 23.10 – MODIFICATION OF DEVELOPMENT PLAN AFTER PLATTING

A. A request for modification of an Approved Development Plan that involve only one (1) parcel shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article [BZA] of the Zoning Resolution.

B. A request for modification of an Approved Development Plan may be submitted to the Zoning Commission by the owners of the proposed development (owners are the developer or the entity to which the developer transfers ownership or otherwise legally assigns the right of representation, e.g., another developer, a homeowners association or group of designated trustees) or by signed petition from at least 51% of the current property owners in the development. At the time the request for modifications is submitted, the requestor must submit a written notarized statement indicating that all individual property owners in the development have been notified that a request for modification of the Development Plan has been submitted. Such notice must contain the specific modification that is being requested.

The Zoning Commission may, at a duly held hearing, modify the approved Development Plan without being subject to the same procedures as the original Application. Any approval may be with such conditions or modifications as the Zoning Commission may determine. The applicant and all owners of property within, contiguous to, and directly across the street from the area proposed for modification shall be given at least ten (10) days' prior notice of the hearing by regular first class mail. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor's current tax

list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the request. The request for modification may be approved upon a showing of a compelling reason and necessity for the same and upon a showing that the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such modification is administrative in nature and not in conflict with the intent and purpose of the Planned District. The Zoning Commission shall render a decision on the request within sixty (60) days after the conclusion of the hearing.

Section 23.11 – ADMINISTRATIVE REVIEW

All plats, construction drawings, restrictive covenants, a subdivision plan, and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the Development Plan as approved.

Any applications deemed incomplete will not be processed until the Zoning Inspector determines that the application provides all the necessary required information in accordance with this Article and other relevant regulations.

ARTICLE XXIV – NON-CONFORMING USES

Section 24.01 – CONTINUANCE

The lawful use of any dwelling, building or structure and any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments, may be continued, although such use does not conform with this Zoning Resolution or future amendments, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and future amendments.

Section 24.02 – RESTORATION

When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than 60% of its value, the following conditions shall apply.

A. It shall not be restored unless in conformity with the current development standards applicable to a structure immediately prior to its destruction as set forth in this Zoning Resolution or as amended, for the district in which it is located.

B. Restoration shall be completed before the expiration of two (2) years from the date of such calamity.

C. Manufactured/mobile homes shall also meet all requirements of Section 24.04.

For the purposes of this section, “value” shall be defined as the replacement cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Service Guidelines of the structure.

Section 24.03 – ENLARGEMENT

No non-conforming building or use may be completed, extended or substituted except upon the review and approval and if necessary a variance permit issued by the Board of Zoning Appeals pursuant to Article XXVIII and this section.

The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

A. A non-conforming use of less objectionable nature may be substituted for an existing non-conforming use.

B. An existing, legal non-conforming use which occupies only a portion of an existing structure or premises may be extended to additional portions or such structure or premises.

C. The alteration, relocation or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings and shall meet all setback requirements of said district.

D. The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.

E. Any extension shall not be more than 25% greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

Section 24.04 – REPLACEMENT OR SUBSTITUTION OF AN EXISTING NON-CONFORMING MANUFACTURED/MOBILE HOME

A legally existing, non-conforming manufactured/mobile home may be replaced or may have a new home substituted with permission of the Zoning Inspector, subject to the following conditions:

A. The replacement home shall be as large as or greater in size than the home being replaced. Section 24.03 (E) does not apply to the home.

B. The replacement home shall be no more than a maximum of five (5) years old.

C. The replacement manufactured home shall be securely skirted, entirely enclosing the bottom section. The skirting shall be of a visually impervious material and consistent with the characteristics of the manufactured home. Such skirting shall be installed within thirty (30) days of the installation of the manufactured home.

D. All yards of the home shall be landscaped and shall meet the landscape requirements of this Resolution.

E. The home shall be installed in compliance with the rules and regulations established by the Delaware County Health Department.

F. The replacement or substitution of any existing, non-conforming manufactured/mobile home shall meet the current setback requirements of the zoning district in which the home is located.

Section 24.05 – NON-CONFORMING LOTS

The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record at the time of the enactment of this resolution, which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXVIII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located. Legal nonconforming AR-1 lots having less than 300 feet of road frontage, but not less than 235 feet of road frontage, are eligible for rezoning to the FR-1 District so long as the applicant presents a plot plan that demonstrates all existing and/or newly created lot(s) will conform to all aspects of the FR-1 District. If the plot plan requires action by the Delaware County Regional Planning Commission (DCRPC), the applicant shall be required to demonstrate

that the plot plan has been prepared for submission to DCRPC if the requested Zoning Change is approved. If the applicant fails to submit the plot plan to, and receive approval from, DCRPC within one year from the date the rezoning becomes effective the Township reserves full authority to rezone the property to its prior classification.

Section 24.06 – ADDITIONS TO NON-CONFORMING DWELLING NOT MEETING FRONT SET BACK REQUIREMENTS

In the event the dwelling existed prior to the enactment of this Zoning Resolution and does not meet the minimum front building set back line, the owner/lessee may make additions to the dwelling provided that he has all required permits and that there are not further encroachments to the front building setback line and provided the dwelling meets all other setbacks.

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ARTICLE XXV – ZONING PERMITS AND APPLICATIONS

Section 25.01 – TOWNSHIP ZONING INSPECTOR

The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Zoning Inspector to compare each zoning permit application with the then existing zoning map. The Zoning Inspector, before entering upon the duties of his offices shall give bond signed by a bonding or surety company authorized to do business in the state, or, at his or her option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand dollars ($1000.00) or more than five thousand dollars ($5000.00) as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees, and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Township Clerk. The compensation for such Zoning Inspector shall be set and paid by the Board of Township Trustees.

Section 25.02 – ZONING PERMIT REQUIRED

No structure of 200 square feet or larger shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, nor shall any use of the land be commenced until a zoning permit for same has been issued by the Zoning Inspector, which zoning permit shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning permit shall be required for any agricultural building to be erected on land presently used for agricultural purpose or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a permit be required for use of land or building or construction of any building used for public utility or railroad purpose. Structures which do not require a zoning permit as defined above must be built in conformance with the Harlem Township Zoning Resolution including setback requirements.

Section 25.03 – PROCEDURES FOR OBTAINING A ZONING PERMIT

No zoning permit shall be issued by the Zoning Inspector until the zoning permit application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning permit shall be issued by the Zoning Inspector until the applicant for said zoning permit has submitted a plot plan of the area upon which the applicant's use or structure is proposed. Said plan shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform to all zoning regulations then in force for said area.

Fees for zoning permits shall be established by the Township Trustees. This fee shall be required generally for each application, and the amount shall be established annually by the Board of Township Trustees.

Section 25.04 – CONDITIONS OF ZONING PERMIT

No zoning permit shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning permit has been issued by the Zoning Inspector.

Section 25.05 – TEMPORARY ZONING PERMIT

A temporary zoning permit may be issued by the Zoning Inspector for a period not exceeding six (6) months during alternations or partial occupancy of a building pending its completion; such permit may be renewed twice at the discretion of the Zoning Inspector.

Section 25.06 – ZONING PERMIT (CHANGE OF USE)

No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning permit being issued by the Zoning Inspector. No zoning permit shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

Section 25.07 – NON-CONFORMING USES

Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Section 25.08 – RECORDS

A record of all zoning permits shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 25.09 – COMPLAINTS

The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Township Trustees. The Zoning Inspector may require that complaints be submitted in writing.

ARTICLE XXVI – ZONING COMMISSION

Section 26.01 – TOWNSHIP ZONING COMMISSION

The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the members shall be five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

Section 26.02 – COMPENSATION AND EXPENSES

The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may, within the limits of moneys appropriated by the Township Trustees for the purpose employ such executives, professionals, technical assistants or other assistants as it deems necessary.

Section 26.03 – FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Township Trustees of this Zoning Resolution when requested to do so by the Township Trustees.

The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executives and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its action and determinations.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

Section 26.04 – ZONING SECRETARY

To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 26.05 – MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION

The Zoning Commission shall meet as necessary in a public building within the township.

Section 26.06 – MINUTES

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the township hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

ARTICLE XXVII – AMENDMENTS (ZONING CHANGES)

Section 27.01 – AMENDMENTS OR SUPPLEMENTS

This article is intended to be a restatement of Section 519.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Harlem Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend or supplement the Zoning Resolution pay a fee to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The applicant requesting a district rezoning shall supply to the Zoning Commission a legal description of the parcel as part of the requirements for rezoning application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

The Township Zoning Commission shall then set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to, adjoining, adjacent, and across from the property or properties to be rezoned. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Township Trustees.

Within five (5) days after the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto, to the County or Regional Planning Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendations to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission a majority vote of the Board of Township Trustees shall be required.

Unless otherwise provided by ORC 519.12, such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than thirty-five percent (35%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

Section 27.02 – FORM OF APPLICATION

All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 27.03 – RECORD

On any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Fiscal Officer of the Board of Township Trustees, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Trustees to be used to defray the expense incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the note of the Zoning Secretary of the Township Zoning Commission or of the Clerk of the Board of Township Trustees, as the case may be, shall serve as the sole transcript of such hearing.

Section 27.04 – FEES

The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee for the cost of advertising, mailing, and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established annually by the Board of Township Trustees.

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ARTICLE XXVIII – BOARD OF ZONING APPEALS

Section 28.01 – BOARD OF ZONING APPEALS

A Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of the Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years and so arranged that the term of one member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 519 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 28.02 – ORGANIZATION

The Board of Zoning Appeals shall organize, electing a Chair and Vice-Chair, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chair, and at such other times as the Board of Zoning Appeals may determine. The Chair, or in their absence, the acting Chair, may administer oaths and Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the Public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Township Trustees at the Township Hall at Center Village, and shall be public record. Attendance of three (3) members shall constitute a quorum. The Board of Township Trustees, the Township Clerk and the Zoning Inspector shall be notified in advance of all meetings conducted by the Board.

Section 28.03 – COMPENSATION AND EXPENSES

The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

Section 28.04 – POWERS OF THE BOARD

The Township Board of Zoning Appeals may:

A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 of the Ohio Revised Code, or of any resolution adopted pursuant thereto.

B. Authorize, upon appeals, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Township Board of Zoning Appeals does not have the power to grant a variance due to necessary hardship if such hardship was created by the owner.

C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the Zoning Resolution.

D. Revoke an authorized variance or a conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the variance certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of their right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if they so request. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by their attorney or other representative, or they may present their position in writing. They may present evidence and examine witnesses appearing for or against them. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 28.05 – PROCEDURE ON HEARING APPEALS

Appeals to the Board of Zoning Appeals may be taken from any person aggrieved or any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give ten (10) days written notice by first class mail to the parties in interest. Notice of such hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

At the hearing, any party may appear in person or by attorney.

Section 28.06 – PROCEDURE ON APPLICATION FOR VARIANCE

The Township Board of Zoning Appeals, appointed by the Township Board of Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the term of this Resolution.

A. Application: Written application of a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. An application for a variance shall be submitted on such forms as designated and/or approved by the Township Trustees. A legal description of the property shall accompany the application. No application shall be considered unless the same is fully completed and accompanied by all required information of said application together with plot plans or drawings as necessary.

B. Hearing: The application shall be transmitted to the Board of Zoning Appeals, which shall cause a public hearing to be held.

C. Notice: Notice of the application and the hearing thereon shall be given by first class mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. Notice of such hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

D. Decision: At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require. The burden of proof will be the responsibility of the applicant.

E. Criteria: In granting such variance the Board shall determine that said variance meets the following criteria:

1. It is not contrary to the public interest.

2. It is justified due to special conditions.

3. It is justified because the literal enforcement of the Resolution would result in unnecessary hardship.

4. Area Variance: A practical difficulty exists due to a non-use consideration, such as area, size, setback, etc. The factors to be used in determining if a practical difficulty exists were expressed in 1986 by the Ohio Supreme Court in Duncan v. Village of Middlefield, 23 Ohio St. 3d 83. These factors, which are not exclusive, are:

a) Whether the property will yield a reasonable return or whether there can be beneficial use of the property.

b) Whether the variance is substantial.

c) Whether the essential character of the neighborhood would be substantially altered, or adjoining properties suffer a “substantial detriment” as a result of the variance.

d) Whether the variance would adversely affect the delivery of governmental services.

e) Whether the property owner purchased the property with knowledge of the zoning restriction.

f) Whether the problem can be solved by some other manner other than the granting of a variance.

g) Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

5. Use Variance: The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered an unnecessary hardship in the use of his/her property.

a) The property could not be used (be put to reasonable use) for the purposes permitted in that zoning district.

b) The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.

c) The use would not alter the essential character of he area or adjoining properties would not suffer a substantial detriment as a result of the variance.

d) The problem is not self-created.

e) The variance would not adversely affect the delivery of governmental services.

f) The applicant purchased the property with knowledge of the zoning restriction.

g) The applicant's predicament feasibly cannot be resolved through some method other than the variance.

h) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

F. Conditions: In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

G. Form of Application: All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said applications.

Section 28.07 – PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMITS

The owner of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as Conditional Use within the district.

A. Application: Written application of a conditional use permit shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. An application for a conditional use permit shall be submitted on such forms as designated and/or approved by the

Township Trustees. A legal description of the property shall accompany the application. No application shall be considered unless the same is fully completed and accompanied by all required information of said application together with plot plans or drawings as necessary.

B. Hearing: The application shall be transmitted to the Board of Zoning Appeals, which shall cause a public hearing to be held.

C. Notice: Notice of the application for a conditional use permit and the hearing thereon shall be given by first class mail to all property owners within two hundred (200) feet of the exterior boundaries of the land on which the use is planned. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. Notice of said hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

D. Decision: The board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to maintain the rural character through preservation of natural, scenic or historic features of importance and to address each of the following factors to ensure that the use will be conducted in the best interests of the zoning district: 1) Traffic, 2) Parking, 3) Noise, 4) Smoke, fumes, and/or odors, 5) Dust, 6) External lighting, 7) Vibration.

E. Revocation: The Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 28.08 – DECISION OF BOARD

The Board of Zoning Appeals shall act by resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

Section 28.09 – PUBLIC INFORMATION

All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceedings in any matter shall be kept on file in the township office at Township Hall at Center Village, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

Section 28.10 – RECORD

For any hearing at which the applicant desires a record to be made, the applicant shall give notice to the Zoning Secretary at least 10 days prior to the hearing requesting that a Court Reporter be retained, to make such record and the applicant shall deposit with the request, cash in the amount established by the Trustees to be used to defray the expense of making such a record. In all hearings where no request for a record has been made, the notes of the Zoning Secretary of the Board of Zoning Appeals shall serve as the sole record and trans

Section 28.11 – FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE

For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

ARTICLE XXIX – ENFORCEMENT

Section 29.01 – VIOLATIONS

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Board of Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 29.02 – REMEDIES

In case any building is or is proposed to be located, erected , constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of Township Trustees under such Resolution, such Board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this section.

Section 29.03 – PENALTY

Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, Ohio Revised Code, shall be fined not more than one hundred ($100.00) dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

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ARTICLE XXX – SEVERABILITY AND REPEAL

Section 30.01 – SEVERABILITY

If for any reason any one or more articles, sections, sentences, clauses, or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution in any one or more instances, and shall not effect or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 30.02 – REPEAL

This Zoning Resolution may be repealed only by complying with requirements of Chapter 519, Ohio Revised Code, as amended.

Section 30.03 – REPEAL OF CONFLICTING RESOLUTION

The Harlem Township Zoning Resolution or part thereof, previously in effect in areas under the Harlem Township Zoning, not otherwise adopted as part of this Zoning Resolution, and in conflict with the Zoning Resolution as it is established on November 21, 1988, or established hereafter, are hereby repealed. However, all suits at law or inequity and/or all prosecutions resulting from violation of any of the Courts of the State of Ohio or the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution, but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

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ARTICLE XXXI – PROCEDURES TO APPLY FOR A MIXED-USE OVERLAY DISTRICT

Section 31.01 – PURPOSE

Within the Harlem Township Zoning Resolution, specific Mixed-Use Overlay Districts are provided and adopted pursuant to Section 519.021(C) of the Ohio Revised Code (Planned Unit Developments). All proposed developments in said districts shall follow the procedures outlined in this Article.

Section 31.02 – PRE-APPLICATION DISCUSSIONS

Prior to submitting a formal application and a Development Plan, the applicant shall engage in informal discussions with staff from the Township and no more than two members of the Zoning Commission. The applicant shall provide a conceptual layout of the proposed development to allow discussion of the existing features of the site, environmental limitations of the site, and any utility and transportation-related matters. Discussions may also include and are strongly encouraged with the Delaware County Regional Planning Commission, the Delaware County Engineer's Office, the Delaware County Regional Sewer District, the Delaware Public Health District, the Delaware Soil & Water Conservation District, among other agencies and utilities prior to submission of an application for approval of a Development Plan. No statement or action by Township or County officials in the course of these informal discussions shall be construed to be a waiver of any legal obligation of the applicant or of any procedure of formal approval required by the Township or County statutes or regulations. Ohio's Open Meetings Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at all meetings involving a quorum of members of the Zoning Commission or the Township Board of Trustees.

Section 31.03 – TRIP GENERATION AND CONNECTIVITY MEMO

Prior to submitting an application including a Development Plan, the applicant shall submit a Trip Generation and Connectivity Memo.

A. The Trip Generation and Connectivity Memo shall include the following information:
   1. The number of new daily vehicle trips and a.m./p.m. peak hour trips generated from the uses permitted in the proposed zoning. Vehicle trips shall be determined by utilizing the ITE Trip Generator Book (8th Edition or most current edition).
   2. A determination, by the Delaware County Engineer's Office, as to whether further Traffic Analysis or a Traffic Impact Study (TIS) is required.
   3. Recommendations from the Delaware County Engineer's Office regarding the connection of roadways and the potential need for unloaded collector roadways to be constructed to ensure appropriate trip distribution and traffic movement through the township.
   4. A signature of an authorized representative from the Delaware County Engineer's Office certifying the accuracy of the information contained in the Trip Generation and Connectivity Memo.

B. The Township Zoning Inspector reserves the right to request that a third-party engineer review the Trip Generation and Connectivity Memo generated by the Delaware County Engineer's Office in order to confirm or make further recommendations for requiring a Traffic Analysis or a Traffic Impact Study. The Township Zoning Inspector shall be responsible for identifying the third-party engineer.

C. If further Traffic Analysis or a TIS is recommended by the Delaware County Engineer's Office per Section 31.03.A or a third-party engineer per Section 31.03.B, said information shall be submitted as part of the Development Plan.

Section 31.04 – PREPARE APPLICATION AND DEVELOPMENT PLAN

The applicant shall prepare and submit a formal application and a Development Plan, with a minimum of ten (10) hard copies or as otherwise determined by the Zoning Commission, along with an electronic copy and all applicable fees in accordance with this Article to the Zoning Inspector. The application shall be signed by the applicant and all owners of the property. The Zoning Inspector may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the Zoning Commission hearing described in Section 31.07. The application shall include a Development Plan and be accompanied by the following supporting information and documentation in text and map form.

A. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the tract to be developed.

B. A grading plan drawn to scale of 1" = 100', or to another scale acceptable to the Zoning Inspector, and a contour interval of two (2) feet showing all information pertaining to surface and subsurface drainage for the tract.

C. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the required open space. The location, size, and proposed use(s) of all open space shall be detailed.

D. A copy of the Trip Generation and Connectivity Memo as well as a Traffic Analysis or a Traffic Impact Study, if required in Section 31.03.B. The applicant shall be responsible for the cost of said Traffic Analysis or Traffic Impact Study. The applicant shall also provide a letter signed by an authorized representative of the Delaware County Engineer's Office certifying the accuracy of the Traffic Analysis or Traffic Impact Study.

Section 31.05 – FEES

A fee as established by the Schedule of Zoning Fees shall accompany an application requesting approval of the Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, legal, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Plan, the Zoning Commission Chair and Zoning Inspector shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission Chair and Zoning Inspector decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Inspector shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Inspector shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and

charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission Chair and Zoning Inspector shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

Section 31.06 – DEVELOPMENT PLAN CONTENTS

The Development Plan must be drawn to a scale of at least 1" = 100', or to another scale acceptable to the Zoning Inspector, with a minimum of 2-foot contour intervals, and include in text and map form the following proposed features:

A. Proposed name of the development and its location.

B. Names and addresses of the applicant, owners, and developers. Also, the names, parcel numbers, and mailing addresses of all owners of property, as shown on the Delaware County Auditor's current tax list, that are contiguous, adjoining, adjacent and across from the area proposed for the overlay approval shall be provided.

C. A map showing all of the contiguous, adjoining, adjacent, and across properties with reference to the names and mailing addresses of the property owners.

D. If the applicant owns any of the neighboring properties, then the applicant must list the first contiguous, adjoining, adjacent or across from properties not owned by the applicant.

E. If a contiguous, adjoining, adjacent or across from property is a subdivision, then the above information should include a plat of the subdivision.

F. Deed with legal description in text form.

G. Date and north arrow.

H. A list, description and location of the precise uses proposed for the development and phases for construction, if any. The list of uses shall be defined by their customary name or identification and must be permitted uses for the applicable subarea. Any listed uses may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes constructing the property in phases, all phases to be developed after the first phase shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

I. Boundary lines of the proposed development and the total acreage of the proposed project.

J. The adjoining lines of adjacent tracts, parcels, or lots.

K. Layout, numbering, and dimensions of lots, if more than one.

L. Existing zoning restrictions for the tract to be developed as well as adjacent tracts.

M. Existing deed restriction for the tract to be developed, if applicable.

N. Locations, widths, and names of all existing and proposed public and private streets or other public or private rights-of-way, railroad and utility rights-of-way or recorded easements, parks and other public open spaces, and section and corporation lines within the tract or adjacent to the tract.

O. Existing sewers, water mains, culverts, drainage tiles and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizing, grades, and locations.

P. Existing topography, with a minimum 2-foot contour interval, drainage channels, wooded areas, watercourses, watersheds, wetlands, and other significant physical features within the tract such as historical features, cultural features, known archaeological sites, large trees (trunk diameter of 12 inches of greater) streams, ravines, and a description of the proposed protection and/or use of these natural and cultural features in the development. A copy of a completed Ohio Historical Inventory Survey for any building that is 50 years or older on the tract to be developed. An exhibit demonstrating environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20 percent.

Q. All proposed bikeways and walkways along with the proposed widths and construction materials.

R. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.

S. The proposed provisions for water, fire hydrants, sanitary sewer, all underground utilities, and surface and subsurface drainage with engineering feasibility studies or other evidence of reasonableness. Preliminary water, sanitary sewer, and storm sewer line sizes and location, detention and retention basins and drainage structures shall be drawn to show no adverse effects to surrounding properties. Detailed engineering is not required at this stage. Prior to obtaining a Zoning Permit, final detailed engineering shall be submitted to the Township.

T. A copy of letters from the following entities:

1. The County Engineer or maintaining authority stating that the proposed access and sight distance is adequate along existing roads where access is provided.

2. The Water Utility and the Sewer District stating that water and sanitary sewers are available and have sufficient capacity to serve the proposed land uses.

3. The Township Fire Chief stating that fire protection is available and has sufficient capacity to serve the proposed land uses.

U. Layout of proposed streets, both private and public, including their names and rights of way, recorded easements, sewers, water lines, culverts, drainage tiles and other major improvements.

V. Building setback lines with dimensions.

W. Layout, location, and dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the tract must be labeled as “to be removed”. Any existing structure on an adjacent lot that is within two hundred (200) feet of an adjoining lot line.

X. Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development.

Y. Location of schools, parks, houses of worship, historic or known archaeological sites and other facility sites, if any, within or adjacent to the site.

Z. Preliminary drawings for buildings to be constructed, including preliminary floor plans, exterior elevations, and sections.

AA. Color rendering of proposed and existing structures on the tract (except those that are “to be removed”), complete with a listing of all colors referenced by the Munsell Color System (latest edition) or if it is not available, the manufacture’s reference/serial number with samples and materials to be used.

BB. Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers, and loading zones from view.

CC. A Sight Line Diagram that includes a rendering showing the view of the adjacent building, mechanical units, etc. from the existing residential use that are contiguous, adjoining, adjacent or across from properties not owned by the applicant at a viewing height of 6 feet.

DD. Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.

EE. Accommodations and access for emergency and fire-fighting apparatus.

FF. A detailed Exterior Lighting Plan that includes a photometric plan showing:

1. The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;

2. The lighting levels for the proposed site and an area extending a minimum of thirty (30) feet onto adjacent properties;

3. The locations of each of the proposed lighting fixtures (wall mounted and pole);

4. The minimum, maximum, and average intensity/illumination for the site;

5. Details of all proposed outdoor lighting fixtures indicating manufacturer, model, and style of the fixture.

6. A graphic representation of the fixture is required.

7. The fixture lamp type (i.e., low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;

8. The proposed height of the lighting fixtures above the existing grade; and

9. The hours of use of the lighting fixtures.

GG. A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub, or tree, its name, its size at planning and rendering(s) of how that section of the development would look in elevation.

HH. A comprehensive sign package showing the location, type, dimensions, and features of all signs.

II. A letter stating that all necessary restrictive covenants, to ensure the perpetual maintenance of the required open space, will be executed. Executed covenants shall be submitted prior to the Zoning Inspector issuing a Zoning Permit for construction.

JJ. A letter stating that all necessary agreements will be executed to ensure access to and maintenance of any proposed shared parking. Executed agreements shall be submitted prior to the Zoning Inspector issuing a Zoning Permit for construction.

KK. A letter outlining a funding plan for all required public improvements including any proposed TIFs, JEDDs, NCAs, or other applicable economic development tools.

LL. An executed acknowledgment from the Applicant requiring that all real property put to a commercial or mixed use be placed in an existing JEDD or new JEDD in which Harlem Township is a contracting party, in accordance with the provisions of this Section.

MM. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.

NN. Any other information, as may be required by the Harlem Township Zoning Commission or the Harlem Township Board of Trustees, in order to determine compliance with this Zoning Resolution.

OO. All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.

PP. The applicant may request a divergence from the development standards set forth in the Mixed-Use Overlay District (Article XXXIV). An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in the Mixed-Use District Overlay Articles and the General Development Standards applicable to all zoning districts as set forth in the Harlem Township Zoning Resolution. The basis of approval for divergences shall be based on Section 31.08.

Section 31.07 – ZONING COMMISSION AND TOWNSHIP BOARD OF TRUSTEES ACTION

After receipt of the complete application, Development Plan and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant and all owners of property, as shown on the Delaware County Auditor's website, that are contiguous, adjoining, adjacent or across from the area proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first-class mail to addresses of those owners as they appear on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall make a recommendation to the Township Board of Trustees on the application and Development Plan within thirty (30) days after the conclusion of the hearing.

The Harlem Township Board of Trustees, upon receipt of said application, shall review the Development Plan and the Zoning Commission's recommendation and take action on said Development Plan at its next regularly scheduled meeting or at a special meeting scheduled by the Township Board of Trustees. By a simple majority vote, the Board of Trustees can uphold, modify, or overturn the recommendation of the Zoning Commission.

Section 31.08 – CONDITION OF APPROVAL

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

Section 31.09 – CRITERIA FOR APPROVAL

In determining whether or not to approve an application and Development Plan, the reviewing authorities shall consider the following:

A. Whether the application and proposed Development Plan are consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution and/or that any proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify deviation from the development standards or requirements of the Zoning Resolution.

B. Whether the application and proposed Development Plan meet all the design features required in this Zoning Resolution.

C. Whether the application and proposed Development Plan are compatible with the character of existing land use, consistent with the intent and purpose of the Mixed-Use Overlay Districts Articles of this Resolution and are in keeping with the most recent Harlem Township Comprehensive Plan ("the Comp Plan") and other applicable public plans for the area.

D. Whether the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water, and centralized sanitary sewers.

E. Whether the application and proposed Development Plan promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of all types of development.

F. Whether the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.

G. Whether an adequate funding source for the construction and long-term maintenance of the required open space and community improvements has been provided.

H. Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on the surrounding areas of the Township.

I. Whether the drainage plan is designed as to not negatively impact surrounding properties.

J. In approving the application and Development Plan, the Zoning Commission or Township Board of Trustees may impose such conditions, safeguards, and restriction deemed necessary in order to carry out the purpose and intent of the overlay district.

Section 31.10 – EFFECT OF APPROVAL

The Township Board of Trustees' action on an application and proposed Development Plan under this Article shall not be considered to be 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. If the Board of Trustees determine that an application and Development Plan comply with the requirements of the Mixed-Use District Overlay Articles and approve said application, upon such approval the Harlem Township Zoning Districts Map shall be changed to remove any other zoning district that applied to the tract subject to the application. The removal of the prior zoning district from the Zoning Districts Map is a ministerial act and shall not be considered to be an amendment to the Township Zoning Resolution for the purposes of Section 519.12 if the Ohio Revised Code.

Section 31.11 – PLAT REQUIRED

The Development Plan as approved by the Township Board of Trustees shall be the subject of a subdivision plat to be approved by the Delaware County Regional Planning Commission, if required by the Ohio Revised Code.

When the land will be developed in phases, plats for all phases shall be submitted in accordance with the timetable in the approved Development Plan. If a plat is required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Zoning Resolution. The subdivision plan and plat shall be in accordance with the approved Development Plan. No zoning certificate shall be issued for any structure in any portion of the overlay for which a plat is required until such plat for that portion has been approved by the applicable platting authorities and recorded with the Delaware County Recorder in accordance with the approved Development Plan and the Subdivision Regulations of Delaware County, Ohio.

Section 31.12 – DEVELOPMENT PLAN APPROVAL PERIOD

The approval of the Development Plan shall be effective for a period of five (5) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit. If no plat has been recorded within this approval period (or if platting is not required, if construction has not commenced), the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be made until either an extension has been approved in accordance with Section 31.13 or an application accompanied by a new Development Plan has been filed with and approved by the Township Board of Trustees using the same procedure and criteria as established for the approval of the initial Development Plan.

Section 31.13 – EXTENSION OF TIME

An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Township Board of Trustees upon application of the owner(s), provided the Township Board of Trustees determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of reasonable effort in recording the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the application submitted and at the discretion of the Township Board of Trustees. A request for an extension shall be filed prior to the expiration of the approval period.

Section 31.14 – AMENDMENT OF DEVELOPMENT PLAN

After a Development Plan has been approved by the Township Board of Trustees, no changes to said plan shall be permitted without further approval as set forth below:

A. Minor Amendments. Within thirty (30) days of the submittal of a written application specifically detailing the changes requested along with a revised Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:

   1. An encroachment of five (5) feet or less into a side or rear setback as shown on the approved Development Plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector. (Changes to the Right-of-Way setbacks have more impact to utilities and the overall design intent of the Mixed-Use Overlay Districts and shall be considered a major amendment.)

   2. A change in the sign face that does not alter the size, height or setback of the sign.

3. An increase of no more than three (3) feet in the maximum building height as shown on the approved Development Plan.

4. Anyone aggrieved by the decision of the Zoning Inspector on a proposed minor amendment may appeal said decision to the Township Board of Trustees within thirty (30) days of said decision by the Zoning Inspector. The Board of Trustees shall hear said appeal within thirty (30) days of receiving the appeal. The Board of Trustee's action is final and is subject to appeal pursuant to Chapter 2506 of the Ohio Revised Code.

B. Major Amendment. All other proposed amendments, other than the three identified in Section 31.14.A above, shall be considered major amendments and must be approved by the Zoning Commission for a final decision by the Township Board of Trustees.

1. Major Amendments to an approved Development Plan shall follow the same procedure in Section 31.07.

C. Any minor or major modification that is approved shall apply only to the proposed Development Plan for which the amendment application has been submitted and shall not apply to any other property subject to the overlay district.

D. A request to approve a use that is not listed as a permitted use in the Subarea shall not be considered an amendment and shall follow the statutory rezoning process to determine if such use should be added to the Subarea text.

ARTICLE XXXII – PROCEDURE TO APPLY THE CONSERVATION SUBDIVISION STANDARDS

No land shall be developed as a Conservation Subdivision until the Zoning Commission and the Township Board of Trustees determine whether the application and Development Plan comply with the provisions of Article XIII and Article XXXIII as applicable through the process defined in this Article. This procedure applies to any Conservation Subdivision including but not limited to the CRCD and the PRCD.

Section 32.01 – PRE-APPLICATION REQUIREMENTS

The Zoning Commission and the Township Board of Trustees shall consider such applications through the following procedure.

A. **Existing Features (Site Analysis) Map and Conceptual Development Plan -** The applicant shall submit an existing features (site analysis) map and a Conceptual Development Plan for a tract(s) of land to be considered as a conservation subdivision with the Township Zoning Commission and schedule an agreeable time to jointly visit the site for an on-site walkabout. This map and Conceptual Development Plan shall include general soil types, known wildlife habitats, stormwater features, water features (such as ponds, wetlands, and permanent and intermittent watercourses), areas subject to flooding, natural features (such as trees/woodlands, major rock outcrops, and similar irreplaceable amenities), cultural features (such as historic structures, archaeological sites, or similar heritage resources), and approximate locations of nearby structures.

B. **On-Site Walkabout** – The applicant or representatives, the Zoning Inspector, up to two members of the Zoning Commission and one member of the Township Board of Trustees may visit and view the site, at which time the primary and secondary conservation areas should be identified. If members of the public wish to participate in the walkabout they shall execute a release of liability in favor of the Township, the applicant, and the property owner. No binding decisions or votes are made at the on-site walkabout.

C. The applicant shall request **a review meeting** with the Zoning Commission for initial review of the Conceptual Development Plan. Other agencies including the County Engineer and the Regional Planning Commission may be included. No statement by officials of the Township or the County shall be binding upon either.

Section 32.02 – TRIP GENERATION AND CONNECTIVITY MEMO

Prior to submitting an application including a Development Plan, the applicant shall submit a Trip Generation and Connectivity Memo.

A. The Trip Generation and Connectivity Memo shall include the following information:

1. The number of new daily vehicle trips and a.m./p.m. peak hour trips generated from the uses permitted in the proposed zoning. Vehicle trips shall be determined by utilizing the ITE Trip Generation Manual (most current edition).

2. A determination, by the Delaware County Engineer's Office, as to whether further Traffic Analysis or a Traffic Impact Study (TIS) is required.

3. Recommendations from the Delaware County Engineer's Office regarding the connection of roadways and the potential need for unloaded collector roadways to be constructed to ensure appropriate trip distribution and traffic movement through the township.

4. A signature of an authorized representative from the Delaware County Engineer's Office certifying the accuracy of the information contained in the Trip Generation and Connectivity Memo.

B. The Township Zoning Inspector reserves the right to request that a third-party engineer review the Trip Generation and Connectivity Memo generated by the Delaware County Engineer's Office in order to confirm or make further recommendations for requiring a Traffic Analysis or a Traffic Impact Study. The Township Zoning Inspector shall be responsible for identifying the third-party engineer.

C. If further Traffic Analysis or a TIS is recommended by the Delaware County Engineer's Office per Section 32.02.A or a third-party engineer per Section 32.02.B, said information shall be submitted as part of the Development Plan.

Section 32.03 – FEES

A. A fee as established by the Schedule of Zoning Fees shall accompany an application requesting approval of the Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, legal, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Plan, the Zoning Commission Chair and Zoning Inspector shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission Chair and Zoning Inspector decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Inspector shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Inspector shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission Chair and Zoning Inspector shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

Section 32.04 – PREPARE APPLICATION AND DEVELOPMENT PLAN

A. **Prepare Application and Development Plan** – Applicant shall prepare and submit a formal application including the Development Plan and a minimum of ten (10) hard copies or as otherwise determined by

the Zoning Commission, along with an electronic copy and fees in accordance with this article to the Zoning Inspector. The Zoning Commission shall schedule a public hearing. Notice of the hearing shall be given by regular mail to all property owners that are adjacent, adjoining, contiguous to, and across from the proposed Conservation Subdivision. The failure of delivery of such notice shall not invalidate any action taken on the application. The Zoning Commission may request comments from the Delaware County Regional Planning Commission (DCRPC). The DCRPC's review is administrative. The Zoning Commission's review is also administrative.

B. The Development Plan shall be drawn to a scale of at least 1"=100', and shall include in text and map form the following:

1. Proposed name of the development and a survey plan and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development;

2. Names and addresses of owners and developers; Also, the names, parcel numbers, and mailing addresses of all owners of property, as shown on the Delaware County Auditor's current tax list, that are contiguous, adjoining, adjacent and across from the area proposed for the overlay approval shall be provided;

3. A map showing all of the contiguous, adjoining, adjacent, and across from properties with reference to the names and mailing addresses of the property owners;

4. If the applicant owns any of the neighboring properties, then the applicant must list the first contiguous, adjoining, adjacent or across from properties not owned by the applicant;

5. If a contiguous, adjoining, adjacent or across from property is a subdivision, then the above information should include a plat of the subdivision;

6. A site survey with maps showing the topography, with a minimum 2-foot contour interval, and the location of all existing natural and cultural features of the tract including wooded areas, large trees (trunk diameter of 12 inches and greater), roadside trees, streams, watercourses, drainage patterns, wetlands, floodplains, ravines, existing historical structures, archaeological sites, and a description of the proposed protection and/or use of these natural and cultural features in the development. A copy of a completed Ohio Historical Inventory Survey for any building that is 50 years or older on the tract to be developed;

7. All proposed bikeways and walkways along with the proposed widths and construction materials;

8. The general development character of the tract including the specific limitations or controls to be placed on all uses, with lot sizes and other development features and restrictive covenants applicable to the project;

9. A site plan containing all details in accordance with Section 13.07 and 33.07 as applicable;

10. Building setback lines with dimensions of lots and footprints of structures;

11. Boundary lines of the proposed development and the total acreage of the proposed project;

12. Dwelling unit types, the total number of dwelling units proposed, and the method and manner used to calculate density;

13. Architectural design guidelines including lighting, materials, colors, and typical renderings for structures and proposed procedures for controlling architectural design elements;

14. Signs, with specific renderings of the elevations. Any proposed lighting shall include control procedures;

15. All commonly owned structures and recreational facilities;

16. Landscaping plans in accordance with Section 13.07 and 33.07 as applicable;

17. The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage, including stormwater retention facilities with engineering feasibility studies or other evidence of reasonableness and lack of adverse impact on neighboring properties;

18. A copy of letters from the following entities:

    a. The County Engineer or maintaining authority stating that the proposed access and sight distance is adequate along existing roads where access is provided.

    b. The Water Utility and the Sewer District stating that water and sanitary sewers are available and have sufficient capacity to serve the proposed land uses.

    c. The Township Fire Chief stating that fire protection is available and has sufficient capacity to serve the proposed land uses;

19. The proposed traffic patterns including an access plan for the development showing public and private roads and other transportation facilities and parking areas. The relationship of the proposed public and private roads and other transportation facilities to existing public roads and any improvements to such roads shall be indicated. If temporary access roads are required during phased construction, the applicant is responsible for restoring these areas to natural landscaping when these service roads are no longer needed for construction access. All restoration shall be completed within ninety (90) days of the completion of the CRCD or PRCD phase for which the road was necessary;

20. Layout, location, and dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the tract must be labeled as “to be removed”. Any existing structure on an adjacent lot that is within two hundred (200) feet of an adjoining lot line;

21. Color rendering of proposed and existing structures on the tract (except those that are “to be removed”), complete with a listing of all colors referenced by the Munsell Color System (latest edition) or if it is not available, the manufacture’s reference/serial number with samples and materials to be used;

22. The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development;

23. Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site;

24. Any special accommodations and access requirements for emergency and firefighting equipment as required by the Harlem Township Fire Chief;

25. Intended measures to screen ground level and rooftop mechanical equipment from view;

26. Provisions for the parking and/or storage of trailers of any type, boats, or recreational vehicles;

27. If appropriate, reports prepared by appropriate professionals for an environmental impact study, a cultural resources management survey, and a traffic analysis. Furthermore, the applicant is responsible for notifying any state or federal agencies that may be involved in permitting, licensing, or funding the project that the Township Board of Trustees request status as a consulting party for the project;

28. The proposed timetable or schedule for the proposed development, including street and transportation facilities, buildings, utilities, and other facilities, and removal of construction materials, equipment, trailers, and offices;

29. If the proposed timetable for development includes plans to develop the land in phases, all phases shall be fully described in text and map formats and each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Development Plan or absent an extension approved by the Zoning Commission, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 32.09. An application for Development Plan approval for each phase of a project shall annotate the "as built" conditions and shall be supplemented with an updated construction schedule;

30. Layout, numbering, and dimensions of lots, if more than one;

31. Existing zoning restrictions for the tract to be developed as well as adjacent tracts;

32. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space;

33. A letter outlining a funding plan for all required public improvements including any proposed TIFs, NCAs, or other applicable economic development tools;

34. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan;

35. All drawings that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans;

36. Unless specifically superseded by the standards contained in Article XIII or Article XXXIII or those standards approved in the Development Plan, the development shall comply with the requirements contained in the General Development Standards in Article XXI of this Resolution. Except for density, permitted uses, and the percentage of required open space, the applicant may request a divergence by the Zoning Commission from the development standards set forth in Article XIII, Article XXXIII or Article XXI. An applicant making such a request shall specifically and separately list each requested divergence and the justification thereof on the Development Plan submitted, with a request that the proposed divergence be approved "per plan";

37. Any additional information as may be required by the Zoning Commission.

Section 32.05 – ZONING COMMISSION AND TOWNSHIP BOARD OF TRUSTEES ACTION

After receipt of the complete application, Development Plan and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant and all owners of property, as shown on the Delaware County Auditor's website, that are contiguous, adjoining, adjacent or across from the area proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first-class mail to addresses of those owners as they appear on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall make a recommendation to the Township Board of Trustees on the application and Development Plan within thirty (30) days after the conclusion of the hearing.

Upon receipt of said application, the Harlem Township Board of Trustees, shall review the Development Plan and the Zoning Commission's recommendation and take action on said Development Plan at its next regularly scheduled meeting or at a special meeting scheduled by the Township Board of Trustees. By a simple majority vote, the Township Board of Trustees can uphold, modify, or overturn the recommendation of the Zoning Commission.

Any action to approve an application shall not be considered to be an amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Revised Code.

Section 32.06 – CONDITION OF APPROVAL

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

the Application and Development Plan subject to condition(s), which may include, but are not limited to, a condition that the Economic Development Agreement shall be finalized and executed within six (6) months following such approval.

Section 32.07 – CRITERIA FOR APPROVAL

In determining whether or not to approve an application and Development Plan, the reviewing authorities shall consider the following:

A. Whether the application and proposed Development Plan are consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution and/or that any proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify deviation from the development standards or requirements of the Zoning Resolution.

B. Whether the application and proposed Development Plan meet all the design features required in this Zoning Resolution.

C. Whether the application and proposed Development Plan are compatible with the character of existing land use, consistent with the intent and purpose of the Conservation Subdivision Overlay Articles of this Resolution and are in keeping with the intent of the most recent Harlem Township Comprehensive Plan ("the Comp Plan") and other applicable public plans for the area.

D. Whether the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage features, potable water and centralized sanitary sewers.

E. Whether the application and proposed Development Plan promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of all types of development.

F. Whether the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.

G. Whether an adequate funding source for the construction and long-term maintenance of the required open space and community improvements has been provided.

H. Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on the surrounding areas of the Township.

I. Whether the drainage plan is designed as to not negatively impact surrounding properties.

J. In approving the application and Development Plan, the Zoning Commission or Township Board of Trustees may impose such conditions, safeguards, and restrictions deemed necessary in order to carry out the purpose and intent of the overlay district.

Section 32.08 – PLAT REQUIRED

A. No zoning certificate shall be issued for any structure in any portion of a CRCD or PRCD for which a plat is required by the Delaware County Subdivision Regulations unless and until:

1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, the Delaware County Commissioners and then recorded.

2. A full size and an 11" x 17" copy of the recorded plat have been filed with the zoning inspector.

B. No amendment of the provisions of the Development Plan, or any part thereof as finally approved, shall be made unless the provisions of 32.11 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review to assure the notes and agreed conditions on the Development Plan are not compromised by engineering.

Section 32.09 – ZONING CERTIFICATE AND DEVELOPMENT PLAN APPROVAL PERIOD

After the Development Plan is approved and any required Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for a CRCD or PRCD development shall be for a period not to exceed two (2) years or that period approved in the Development Plan unless otherwise provided for by an approved extension. If significant construction, meaning the physical placement of roads or foundations, has not begun within two (2) years after Development Plan approval is granted or within the time period approved in the Development Plan, then the Development Plan approval shall be void. In such case, the CRCD or PRCD zoning and map amendment remain in place, but a Development Plan must be resubmitted for approval.

Section 32.10 – EXTENSION OF TIME

An extension of the time limit for the approved Development Plan may be granted by the Township Zoning Commission without public hearing provided they find that such extension is not in conflict with public interest.

Section 32.11 – AMENDMENT OF DEVELOPMENT PLAN

A. A request for modification of an approved Development Plan may be submitted to the Zoning Commission by the owners of the proposed development (owners are the developer or the entity to which the developer transfers ownership or otherwise legally assigns the right of representation, e.g., another developer, a HOA, NCA, or group of designated trustees) or by signed petition from at least fifty-one (51%) of the current property owners in the development. At the time the request for modification is submitted, the requestor must submit a written notarized statement indicating that all individual property owners in the development have been notified that a request for modification of the Development Plan has been submitted. Such notice must contain the specific modification that is being requested.

1. Minor Amendments. Within thirty (30) days of the submittal of a written application specifically detailing the changes requested along with a revised Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:

a. An encroachment of two (2) feet or less into a side or rear setback as shown on the approved Development Plan, provided such setback abuts property having the same or

similar use, as determined by the Zoning Inspector. (Changes to the Right-of-Way setbacks have more impact to utilities and the overall design intent and shall be considered a major amendment.)

b. A change in the sign face that does not alter the size, height or setback of the sign.

c. An increase of no more than two (2) feet in the maximum building height as shown on the approved Development Plan.

d. Anyone aggrieved by the decision of the Zoning Inspector on a proposed minor amendment may appeal said decision to the Township Board of Trustees within thirty (30) days of said decision by the Zoning Inspector. The Township Board of Trustees shall hear said appeal within thirty (30) days of receiving the appeal. The Township Board of Trustee's action is final and is only appealable to the courts.

2. Major Amendment. All other proposed amendments, other than the three identified in Section 32.11.A.1 above, shall be considered major amendments and must be approved by the Zoning Commission for a final decision by the Township Board of Trustees.

a. Major Amendments to an approved Development Plan shall follow the same procedure in Section 32.05.

Section 32.12 – ADMINISTRATIVE REVIEW

A. Upon projection completion, all plats, construction drawings, restrictive covenants, an "as built" plat plan, and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission, or their designated technical advisors for administrative review to ensure substantial compliance with the Development Plan as approved.

B. The Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.

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ARTICLE XXXIII – CLUSTERED RESIDENTIAL CONSERVATION DISTRICT (CRCD)

Section 33.01 – PURPOSE

The Clustered Residential Conservation District (CRCD) is created pursuant to Section 519.021 (C) of the Ohio Revised Code (Planned Unit Developments), 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 CRCD achieves this purpose by allowing the development of clustered conservation subdivisions that:

A. permanently preserve and integrate open space within residential developments;

B. offer landowners alternatives to standard tract development of their land;

C. establish a less sprawling, more efficient use of land, streets and utilities on tracts where central water and sewer are available;

D. protect and conserve farmland, historical and cultural features, and minimizes topographical changes and damage to existing landscapes and vegetation;

E. create usable and accessible open spaces, recreational areas, gathering places, and green corridors for wildlife, walking trails and/or bike paths;

F. encourage creativity and environmental responsibility in design through a controlled process of review and approval of the Development Plan and related documents;

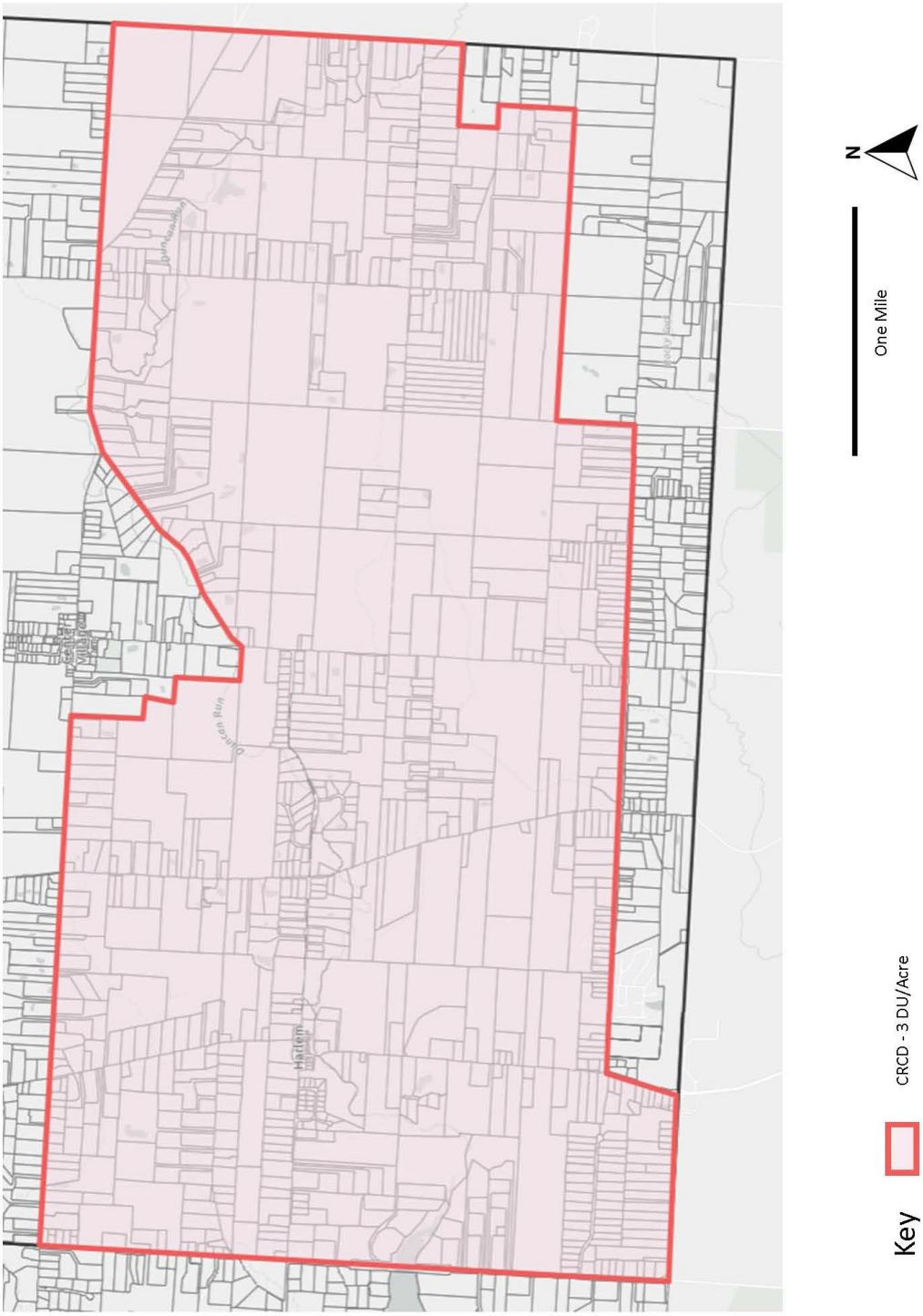
G. enable an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development;

H. encourage 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; and

Section 33.02 – OVERLAY AREA

The CRCD is created pursuant to Section 519.021 (C) of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the CRCD boundaries in Figure 33.1 as of the effective date of this amendment to the Harlem Township Zoning Resolution on July 21, 2023.

Figure 33.1 – Boundaries of Harlem Township CRCD Overlay District



Section 33.03 – EFFECT OF CRCD OVERLAY DESIGNATION

As of the effective date of this amendment, all land bounded by the CRCD boundaries in Figure 33.1 is eligible for CRCD Overlay zoning.

The zoning regulations currently in place shall continue to apply to all property within the CRCD unless the Zoning Commission approves an application by an owner of property within the CRCD boundaries to subject the owner's property to the regulations of the CRCD.

Such an application shall be made in accordance with the regulations of Article XXXII and Article XXXIII of the Township Zoning Resolution and shall include a Development Plan in compliance with the regulations of said Article.

Upon receiving such an application, the Zoning Commission shall determine whether the application and Development Plan comply with the regulations of Article XXXII Article XXXIII and make a recommendation to the Township Board of Trustees.

If the Zoning Commission determines that the application and Development Plan do not comply with the regulations of Article XXXII and Article XXXIII 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 XXXII and Article XXXIII of the Township Zoning Resolution, the Zoning Commission shall recommend approval of the application.

If the Township Board of Trustees determine that the application and Development Plan do not comply with the regulations of Article XXXII and Article XXXIII, 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 XXXII and Article XXXIII, it shall approve the application, and cause the zoning map to be changed so the underlying zoning regulations no longer apply to such property, with the property being thenceforth located in the CRCD 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 to be an amendment to the Township Zoning Resolution. This determination shall not be considered to be 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 33.04 – PERMITTED USES

A. Single family detached dwellings.

B. Common wall single family attached dwellings.

C. Open Space – 50% of the gross tract acreage reserved for open space as required in Section 33.07.B. Whether this space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved Development Plan. Limited agricultural uses may be approved as open space in the Development Plan.

D. Accessory service buildings and structures incidental and pertinent to permitted uses above, where said accessory service buildings and structures are necessary to the pursuit of a permitted use on the premises.

Section 33.05 – PROHIBITED USES

A. Uses not specifically authorized by the express terms of 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 (14) consecutive days is prohibited, except for necessary construction equipment that is in working order.

C. No 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 the Township Zoning 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. No outside storage of any kind shall be permitted. All permitted uses shall be conducted completely within an enclosed building.

Section 33.06 – PROCEDURE TO APPLY FOR A CRCD OVERLAY

See Article XXXII for the procedure to apply for a CRCD Overlay.

Section 33.07 – CRCD DEVELOPMENT PLAN STANDARDS

A. Minimum gross tract size for a CRCD Subdivision – Twenty-five (25) acres.

B. Open Space – At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed. Open space locations shall be identified on the Development Plan and shall be subject to the approval of the Zoning Commission. Open space shall be owned, administered, and maintained as identified on the Development Plan pursuant to Section 33.08 of this Article. With prior consent through resolution of the Township Board of 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 passive and active recreation areas. 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. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.

1. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.

2. Primary conservation areas, stormwater management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to fifty percent (50%) of the required open space.

3. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.

4. Open space must be clustered to achieve the purpose of creating large open tracts. Consideration must be taken for surrounding developments to ensure that the open space for neighboring developments is located connecting or close to the open space for the new development in the CRCD.

C. Site Design Process:

1. Delineate primary conservation areas. Preserve as natural open space.

2. Delineate secondary conservation areas. Preserve selected areas as improved or natural open space.

3. Draw house footprints and lot lines outside the conservation areas based upon the permitted density calculations based on Section 33.07.D of this Article.

4. Site Design Standards:

   a. To reduce visual impact, locate dwellings along the edges rather than in the center of an open field if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.

   b. Front dwellings on internal roads, not on external roads.

   c. Locate all house lots within four hundred (400) feet of the permanent open space.

   d. Retain or restore native vegetation adjacent to wetlands and surface waters.

   e. Preserve existing hedge and tree lines to the extent practicable.

f. Preserve scenic views and vistas.

g. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.

h. Preserve historic or archaeological sites (e.g. earthworks, burial grounds, etc.).

i. Landscape or retain vegetation in common areas with native trees and shrubs.

j. Place shade trees along internal roads at fifty (50) foot intervals on at least one side of the road.

k. Provide active recreational areas in suitable locations.

l. Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide bike and walking path throughout the development. Provide for connection to surrounding neighborhoods (existing and potential).

m. Protect natural drainage swales and creeks. No construction of buildings is allowed inside the 100-year floodplain. In addition, no residential structures are permitted within 100 feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer.

n. Provide permanent open space.

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

Table 33.1

Maximum Dwelling Units Per Net Developable Acre
3

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

E. Sewage Disposal – A feasibility letter shall be provided by the Delaware County Sanitary Engineer indicating that sewer service is available with the capacity needed.

F. Perimeter Setback – No building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision, except, however, no building shall be located within two hundred (200) feet of the proposed right-of-way for an existing state, county, or township roadway. For purpose of this Overlay, the proposed right-of-way shall be considered to be:

State Route 605 and South County Line Road – Seventy-five (75) feet from centerline.

Harlem Road, Gorsuch Road, Miller Paul Road, Red Bank Road, Robins Road, and Green Cook Road – Fifty (50) feet from centerline.

All other local roads and private drives – Thirty (30) feet from centerline.

G. Stormwater – Features shall be designed to manage stormwater retention 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 detention ponds and wetlands shall be utilized with soft edges in order to integrate the stormwater feature 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.

I. Pavement Standards for Private Drives – All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer's Design, Construction and Surveying Standards Manual or shall have a design life of twenty (20) years.

J. 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.

K. Paths – A minimum of five (5) foot wide walking or ten (10) foot wide bike path is required for conservation subdivisions. Paths shall be constructed as to meander through the development, in line with the rural character and feel of the area and to connect existing and potential residential areas and open spaces. The Township may also require paved or unpaved walkways to connect residential areas and open spaces.

L. Street Trees – Native deciduous, broad leaf 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 the street(s).

M. Bulk and Area requirements see Table 33.2.

Table 33.2

	CRCD
Minimum Tract Size (Acres)	25
Minimum Setback from new Local Road ROW (Feet)	25
Minimum Lot Size (Square Feet)	7,500
Minimum Lot Width (Feet)	60' for a maximum of 40% of the total single family lots; 70' for a maximum of 50% of the total single family lots; 80' or wider for at least 10% of the total single family lots; 80' or wider for all common wall attached dwellings.
Minimum Side Yards (Feet) for 60' Lot	5' each side

Minimum Side Yards (Feet) for 70' Lot	Combined 15', no less than 5' on one side
Minimum Side Yards (Feet) for 80' Lot	Combined 15', no less than 5' on one side
Maximum Building Height (Feet)	35*
Minimum Driveway Setback from Side Lot Line (Feet)	2**
Minimum Rear Yard (Feet)	25
Minimum Setback for Accessory Structures (Feet)	15

**Building Height is measured at the highest point of the 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, exclusive of the two (2) foot side lot line for single family detached dwellings on fee simple ownership lots.*

N. Minimum Dwelling Unit Floor Area – No dwelling shall be constructed in said zoned district of Harlem Township 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 the following schedule of dwelling types:

One (1) story – Fifteen hundred (1500) square feet of living area above grade. One and one half (1 ½) or two (2) story – two thousand (2000) square feet of living area above grade.

All dwellings shall include a garage (attached or unattached) of a minimum of four hundred eighty (480) square feet complete with operating doors; this area is not to be included in the living area of the dwelling.

O. Building Design: The intent of the building design requirements are 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. For all buildings in the CRCD, the following design requirements apply.

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. The use of frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited.

Photo Credit: Countryliving.com

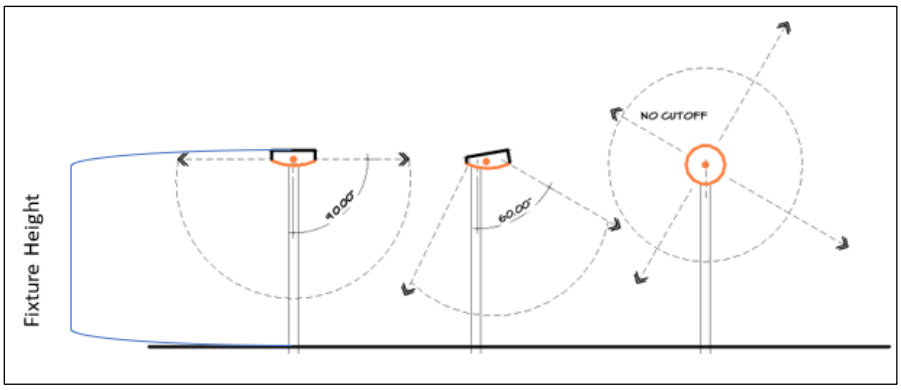
b. **Building Colors**: Building colors shall consist of earth tones limited to browns, tans, and grays. Building colors may also consist of white and barn red. Leaf greens and gray sky blues may be utilized as an accent and shall not be the predominant building color.

Photo Credit: Pikeproperties.com

c. **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. Street Lighting – if provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within the right-of-way. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.3 fc. 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. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.

Figure 33.2



Q. 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 utilizing native plantings and grasses such as Karl Foerster Grass.

Karl Foerster Grass - Photo Credit: Gardenia.net

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 tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the proposed right-of-way of an existing state, county, or township roadway to any new development.

    a. This two hundred (200) foot buffer 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 roadway.

    b. Figure 33.3 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.

Figure 33.3

c. 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	2-inch caliper
Coniferous/Evergreen	5 feet in height
Shrubs and Hedges	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:

i. Callery Pear (Pryus calleryana – any cultivar)
ii. Tree of Heaven/Ailanthus – (Ailanthus altissima)
iii. White Mulberry – (Morus alba)
iv. Ginko – Female Only – (Ginko biloba)
v. Russian Olive – (Elaeagnus angustifolia)
vi. Autumn Olive – (Elaeagnus umbellate)
vii. Japanese Honeysuckle (Lonicera japonica)

Table 33.3

CRCD Overlay Buffer			
	Min. # of trees per 100 lineal feet of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	**# of Large Trees (a)**	**# of Small Trees (b)**	**# of Shrubs (c)**
40	4	10	33

Example Buffer – **Figure 33.4**

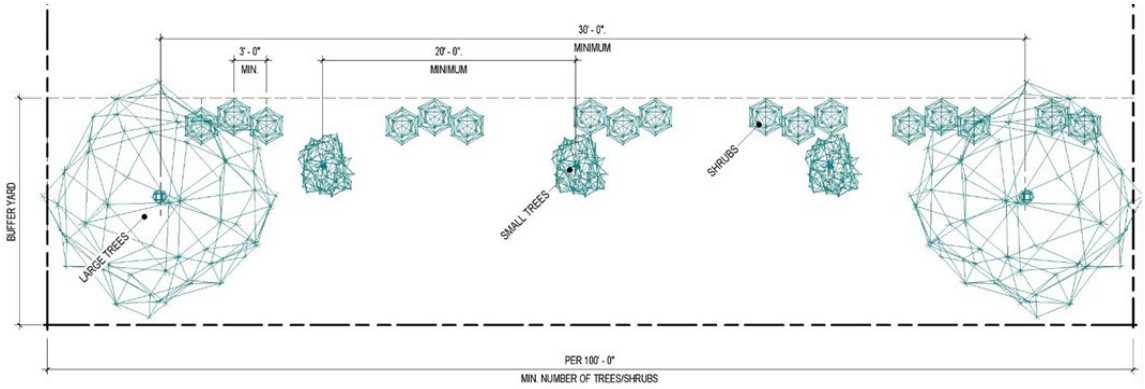
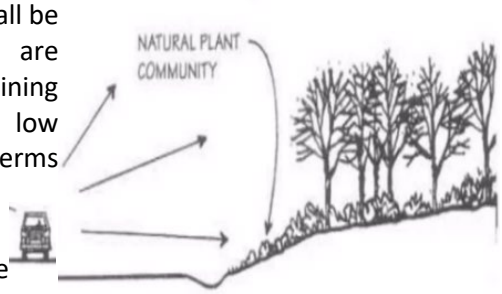


Figure 33.5



d. Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be constructed with a 3:1 slope.

6. 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.

7. An entryway feature may also be used, as approved in the Development Plan, as a portion of the required buffer. The entryway feature must be in line with rural design characteristics and should be predominantly made of natural materials, such as wood, stone, or brick.

Photo Credit: Was-design.com

8. 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.

R. Parking – 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 in Table 33.4.

Table 33.4

Use	Minimum Number of Required Off-Street Parking Spaces
Common Wall Dwelling Units	2 spaces per dwelling unit
Single Family Units	2 spaces per dwelling unit
Sports Facilities / Fields	50 spaces per field
Neighborhood Parks	20 spaces

S. Signs – All signs shall be in accordance with the following regulations, or as approved per the Development Plan.

1. 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. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, or barn red. Signs colors and materials shall match that of the primary building.

2. Ground Mounted Sign

a. All Ground Mounted Signs shall comply with the following requirements.

b. All Ground Mounted Signs shall have a solid base consistent with the primary building material 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.

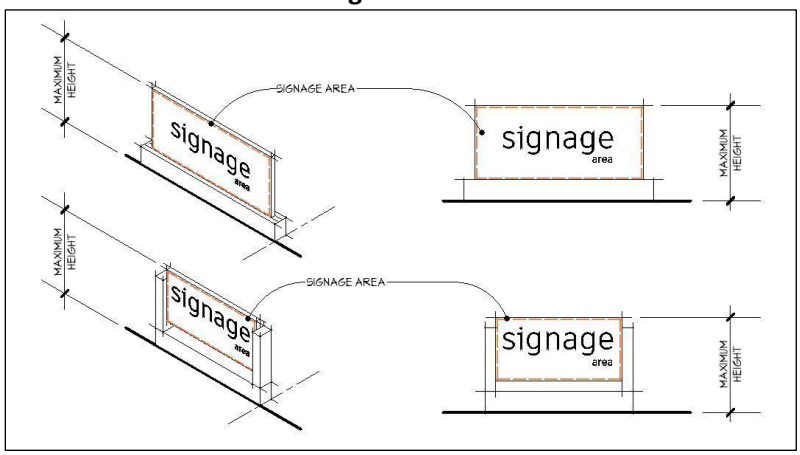
c. Monument Signs shall not be permitted along rear access roads.

d. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.

Table 33.5

Ground Mounted Signs	CRCD
Maximum Number of Signs Permitted Per Entrance	1
Maximum Square Footage Per Sign Face	20
Maximum Height (Feet)	8
Minimum Distance from ROW (Feet)	10

Figure 33.6



3. Temporary Signs: The following Temporary Sign regulations apply to all uses within all subareas:

   a. Temporary Signs shall be prohibited within the right-of-way.

   b. Two (2) 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. One (1) 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 Township Board of Trustees. 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. No other extensions may be administratively approved and must be approved by the Township Board of Trustees. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.

Photo Credit: Destinpropertyexpert.com

d. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

e. The majority of the temporary sign must be constructed with wood.

4. Window Signs: All window signs shall comply with the following requirements in Table 33.6:

Table 33.6

	CRCD
Maximum Number of Signs Permitted Per Lot	1
Maximum Square Footage	10 percent of window area
Maximum Height (Feet)	15

5. Residential Subdivision Identification Sign

a. Such identification shall be limited to wall or ground mounted signs or graphics only, for example, with placement on a brick wall, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. One manual changeable copy sign is permitted per entrance. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four (4) square feet.

b. Such identification signs shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone.

c. Such identification features may not be located in the public right- of-way.

d. The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development.

e. Any Residential Subdivision Identification Sign shall not be placed closer than ten (10) feet from the right-of-way.

f. The maximum height for each sign is six (6) feet above grade.

T. Utilities – All utilities in the CRCD Subdivision shall be buried underground.

U. Supplemental Conditions and Safeguards – If 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.

V. Divergences – The Township Board of Trustees, as a part of a Development Plan approval process outlined in Article XXXII, may grant divergences from any standard or requirement in this Article with

the exception of the density of dwelling units per acre, permitted uses, 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 submittals with a request that the proposed divergence be approved "per plan".

Section 33.08 – OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

A. Ownership of Common Open Space

1. Different ownership and management options may apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in this section below. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township. Funding generated through a New Community Authority (NCA) may be used to manage the required open space.

   a. Offer of Dedication. The Township shall have the right of first refusal for common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may but is not required to accept common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

   b. Homeowners Association. The common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following regulations:

      i. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

      ii. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.

      iii. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

      iv. The association shall be responsible for payment of insurance and taxes on the common open space. The association may establish rules to ensure proper maintenance of common open space, including monetary liens on the homes and

home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

v. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such common open space. Shares shall be defined within the association bylaws

vi. In the event of transfer, within the methods herein permitted, of common open space by the homeowners association, or the assumption of maintenance of common open space by the Township, notice of such pending action shall be given by the homeowners association to all property owners within the development.

vii. The homeowners association shall provide for adequate staff to administer common facilities and property and continually maintain the common open space.

viii. The homeowners association may lease common open space to any qualified person or corporation, for operation and maintenance of common open space, but such lease agreement shall provide:

- That the residents of the development shall at all times have access to the common open space contained therein (except croplands during the growing season).
- That the common open space shall be maintained for purposes set forth in the approved Development Plan.
- That the operation of common open space may be for the benefit of the residents only or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.

ix. The lease shall be subject to the approval of the homeowners association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Board of Trustees within thirty (30) days of action by the board.

2. Condominium Agreements. The common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All common open space shall be held as a common element.

3. Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of common open space, title of which is to remain in ownership by condominium or homeowners' associations, provided:

a. Such land is accessible to Township residents;

b. There is no cost of acquisition other than incidental transfer of ownership costs;

c. A satisfactory maintenance agreement is reached between the developer, association and the Township

4. Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

b. The conveyance contains whatever provisions are agreed to between the Township Board of Trustees, the owner and the organization.

5. Third Party Ownership. With the approval of the Township, common open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights for the common open space to a homeowners or condominium association, the Township or a private conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the common open space to those uses identified in the approved Development Plan. Common open space to be transferred to a third party other than a homeowners association, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

B. Maintenance of Common Open Space

1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowners' association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.

2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township Board of Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Board of Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured.

3. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Board of Trustees may pursue the enforcement as a zoning violation.

ARTICLE XXXIV – MIXED-USE OVERLAY DISTRICTS (MU)

Section 34.01 – PURPOSE

The Mixed-Use Overlay Districts (MU) are 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 MU Overlay Districts achieve this purpose by allowing mixed-use development that:

A. provides an opportunity for an appropriate mix of uses while protecting the rural character of the township;

B. creates a diversity of housing options combined with commercial uses to create a more walkable community and sense of place;

C. creates usable and accessible open space, recreational areas, and gathering places;

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. helps to protect the southern area of Harlem Township from annexation;

I. allows for the pairing of economic development and other tools to prevent annexation and stay competitive with surrounding communities; and

J. allows for the management and control of density on Harlem Township's southern boundary.

Section 34.02 – OVERLAY AREA

The MU Overlay Districts are created pursuant to Section 519.021 (C) of the Ohio Revised Code and encompasses, includes and overlays all land bounded by the MU Overlay District boundaries in the map which follows as of the effective date of this amendment to the Harlem Township Zoning Resolution on June 16, 2023. The MU Overlay Districts are divided into two subsections: Mixed-Use Overlay District A (MU-A) and Mixed-Use Overlay District B (MU-B). Any differences in regulations between MU-A and MU-B will be listed in the following sections of this article.

Boundaries For Harlem Township's Mixed-Use Overlay Districts

Section 34.03 – EFFECT OF MU OVERLAY DESIGNATION

As of the effective date of this amendment, all land bounded by the MU Overlay District boundaries in the map above is eligible for MU Overlay zoning.

The Harlem Township Zoning Resolution currently in place shall continue to apply to all property within the MU Overlay District boundaries unless the Zoning Commission approves an application by an owner of property within the MU Overlay District boundaries to subject the owner's property to the regulations of the MU Overlay Districts.

Such an application shall be made in accordance with the regulations of Article XXXI and Article XXXIV of the Township Zoning Resolution and shall include a Development Plan in compliance with the regulations of said Article.

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 XXXIV. This determination shall not be considered to be 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.

If the Zoning Commission determines that the application and Development Plan do not comply with the regulations of Article XXXI and Article XXXIV of this Resolution, the Zoning Commission shall deny the application. The applicant can file a Chapter 2506 appeal pursuant to Section 519.021(C) of the Ohio Revised Code.

If the Zoning Commission determines that the application and Development Plan comply with the regulations of Article XXXI and Article XXXIV, 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 MU 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 to be an amendment to the Township Zoning Resolution.

Section 34.04 – PERMITTED USES

A. Mixed-Use buildings.

B. Common wall single family attached dwellings.

C. Two, three and Multi-family dwellings, provided they comprise no more than 8 dwelling units per acre in MU-A and 12 dwelling units per acre in MU-B.

D. Nursing Home facilities, independent senior living facilities, and assisted living facilities.

E. Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware and auto parts stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, carry outs, florists, self-service laundromats, laundry and dry cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other similar small or medium retail establishment consistent with the above listed uses.

F. Eating and drinking facilities including wineries, microbreweries, and food trucks including those with curbside and pick-up windows.

G. Parks, recreational or community centers.

H. Office facilities for the providing of personal services such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects, and engineers.

Office Example - Photo Credit: sbslp.com

I. Offices of veterinarians, pet grooming shops, and indoor only pet boarding facilities, meaning the facility is fully enclosed by four solid walls and a roof.

J. Early childhood education, elementary, middle, and high schools, and technical schools.

K. Funeral homes.

L. Accessory service buildings and structures 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 premise.

Section 34.05 – PROHIBITED USES

A. Uses not specifically authorized as Permitted Uses in this Article of the 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 these districts. 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 these districts.

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. No outside storage of any kind shall be permitted. All permitted uses shall be conducted completely within an enclosed building.

H. No drive thru facilities of any kind shall be permitted. This prohibition includes drive thrus associated with banks, restaurants, coffee shops or other similar uses. This does not include pick up windows or curb side pick-up as defined in this Resolution.

I. No automobile-oriented use shall be permitted.

J. No data centers shall be permitted.

K. No warehousing shall be permitted.

L. No large retail shall be permitted.

Section 34.06 – PROCEDURE TO APPLY FOR A MIXED-USE OVERLAY

A. See Article XXXI for the procedure to apply for a Mixed-Use Overlay.

Section 34.07 – MU DEVELOPMENT PLAN STANDARDS

A. All proposed developments in the MU Overlay Districts shall follow the procedures outlined in Article XXXI.

B. Minimum tract size for an MU 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 Zoning Commission. Open space shall be owned, administered, and maintained as identified on the Development Plan. With prior consent through resolution of the Board of Trustees of Township, 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. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township 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 or a Joint Economic Development District 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 Mixed-Use 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 Harlem Township Zoning Resolution. The following standards shall apply to all uses and developments within the MU Overlay Districts.

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).

7. Retain or plant vegetation in common areas.

8. Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide walking path throughout the development. Provide for connection to surrounding developments (existing and potential).

9. Protect natural drainage swales and creeks. No construction of buildings shall be inside the 100-year floodplain.

E. Number of Dwelling Units Permitted: Applicants shall adhere to the standard of a maximum of eight (8) dwelling units per net acre in the MU-A District and twelve (12) dwelling units per acre in the MU-B. Density shall be calculated on the net developable acreage of tracts proposed for development. Net Developable Acreage is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).

F. Sewage Disposal – Central water and sewers must be available for these zoning Overlay Districts to be applied and a feasibility letter shall be provided by the Delaware County Regional Sewer District indicating that sewer service is available with the capacity needed. A letter from Del-Co Water Company shall be provided indicating that water service is available with the capacity needed. New on-site water and septic systems are prohibited when utilizing these Overlay Districts.

G. Stormwater – Features shall be designed to manage stormwater retention 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 downstream impacts. No water shall be

allowed to be released above and beyond what was released pre-development. Regional 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 five (5) foot wide walking path or a ten (10) foot wide multi-use path is required for Mixed-Use developments. 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. 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 200-foot woodland buffer must be established from the Right of Way of an existing township, county, or state road to any new development. This buffer shall account for a percentage of the required 20% open space. For purpose of this Overlay, the proposed right-of-way shall be considered:

SR 605, South County Line Road, Fancher Road – 75 feet from centerline.

Harlem Road, Gorsuch Road, Robins Road, Miller-Paul Road, Red Bank Road, and Green Cook Road – 50 feet from centerline.

All other local roads and private drives – 30 feet from centerline.

1. This 200-foot buffer 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 county or township road.

2. The image below 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.

3. 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	2-inch caliper
Coniferous/Evergreen	5 feet in height
Shrubs and Hedges	3 feet in height

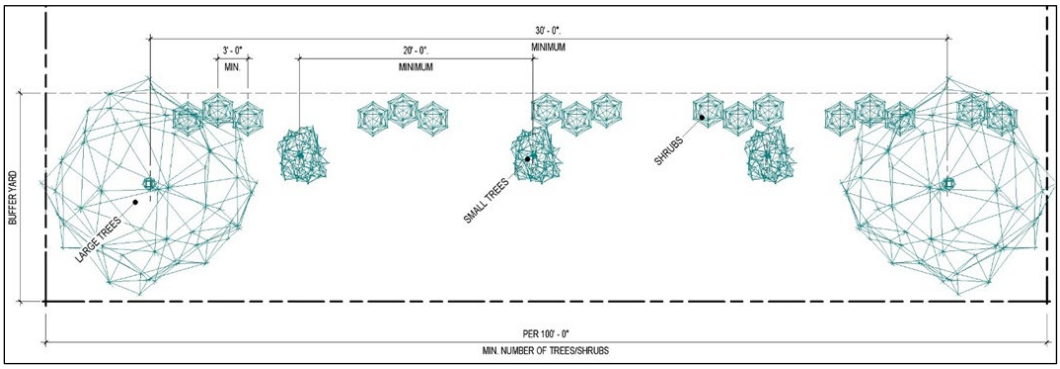
The following types of undesirable trees and shrubs shall be prohibited as well as any other invasive or undesirable species as listed by the Ohio Department of Natural Resources:

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)*

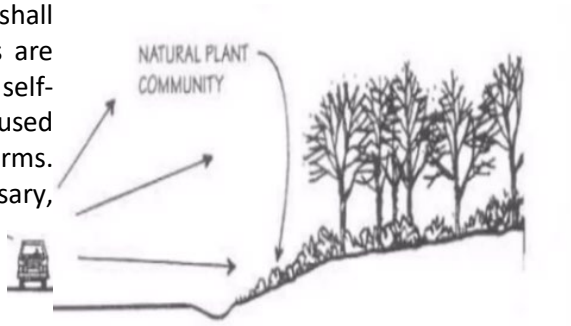
Minimum Number of Plantings

Woodland Buffer MU Overlay Districts			
	Min. # of trees per 100 lineal feet***of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees (a)	# of Small Trees (b)	# of Shrubs
40	4	10	33

Example Buffer



4. Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. 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.



M. Bulk and area requirements.

	Mixed-Use Overlay Districts	
	MU-A	**MU-B**
Minimum Tract Size (Acres)	25	25
Minimum Lot Size (Acre)	1	1
Minimum Lot Width	At least ½ of lot depth	At least ½ of lot depth
Minimum Setback from new Arterial and Collector Roads ROW (Feet)	200	200
Minimum Setback from new Local Road ROW (Feet)	30	30
Minimum Rear Setback (Feet) (not abutting an existing state, county or township road).	25*	15*
Minimum Side Setback (Feet) (not abutting an existing state, county, or township road).	25*	15*
Maximum Mixed-Use Building Height (Feet)	45**	45**
Maximum Single Use Building Height	35**	35**
Minimum Driveway Setback from Side Lot Line (Feet)	2***	2***
Maximum Lot Coverage (%)	80	80

* When the proposed development abuts a property with an existing single-family residential structure on it, the side and rear setbacks for proposed buildings and parking areas shall be increased to comply with the Woodland or Prairie Buffer requirements in Section 34.07.Q.10.

** Building Height is measured at the highest point of the 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 for single family detached dwellings on fee simple ownership lots.

N. Minimum Dwelling Unit Floor Area – No dwelling shall be constructed in said zoned districts of Harlem Township 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 the following schedule of dwelling types:

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

O. Building Design: 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:

Photo Credit: www.cityplanter.com

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.

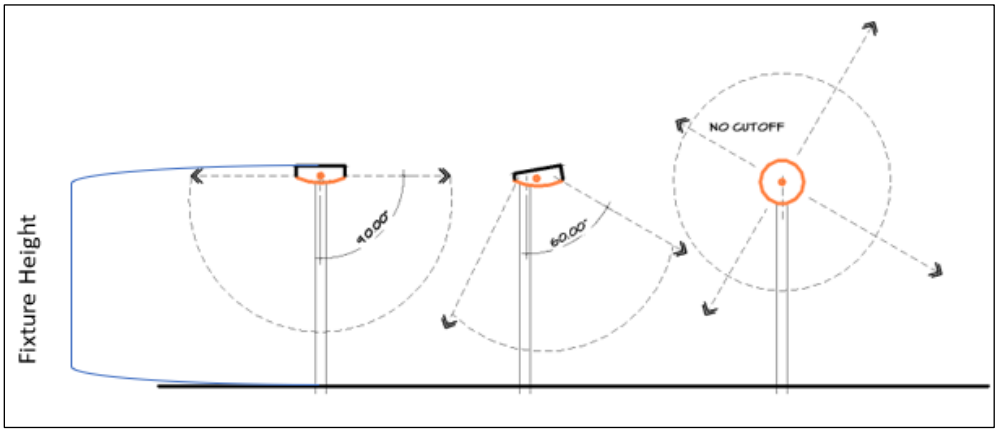
P. Lighting – A lighting plan shall be submitted as a part of the Development Plan. All Exterior Lighting shall comply with these standards unless specifically exempted.

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 as measured from the finished grade to the highest point of the light fixture.
   b. The fixture height in parking lots for all other uses shall not exceed twenty (20) feet from the finished grade.
   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.



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 1,600 lumens. The light bulb utilized for all other uses shall not produce more than 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 MU 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 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.

Q. 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.

7. 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.

8. Parking Lot Screening: 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:
   a. A thirty-six (36) inch continuous planting hedge and tree combination; or
   b. A thirty-six (36) inch decorative wall with fence in conjunction with landscaping; or
   c. A thirty-six (36) inch decorative planter with lattice or other similar design.
   d. The height of the required screening shall be measured from the elevation of the adjacent parking area to the top of the screening material.

   e. All plantings must be done utilizing native species.

9. Parking Island Landscaping. All parking islands shall have a minimum of one shade tree with a minimum of 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.

10. Landscaping between lot lines: The following table describes the minimum landscaping buffer that shall be installed by the applicant when a proposed development abuts another lot with an existing single-family structure on it. 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. All buffers shall comply with the following requirements:

Condition	Buffer Required
If, an existing Single-Family Structure on adjacent lot is within 100 feet from the abutting lot line, then:	A minimum 200-foot Woodland Buffer that complies with the planting requirements in Section 34.07.L .
If an existing Single-Family Structure on adjacent lot is more than 100 feet from the abutting lot line, then:	A minimum 100-foot Prairie Buffer that complies with the planting requirements below.
No existing Single-Family Structure on the abutting lot	No buffer required.

a. A Prairie Buffer shall have the following minimum number of plantings.

	Min. # of trees per 100 lineal feet*of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees	# of Small Trees	# of Shrubs
40	2	3	17

*All units of 100 lineal feet must meet the buffer standard in the chart, and the fractional remainder will be determined using the minimum spacing requirements above.

R. 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 34.07.Q.9 and 34.07.Q.10.

2. Parking Space Sizing
   a. All parking spaces must be a minimum of 9x18 feet. Parking drive aisles shall be a minimum of twenty-four (24) feet.

3. Parking Bays
   a. No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) 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 34.07.Q.8.

4. Number of Parking Spaces: Every Development Plan within the MU Overlay Districts 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 MU Overlay Districts, parking requirements for all development within the MU Overlay Districts 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.

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 as permitted in Section 34.04	1 space per 265 square feet	1 space per 225 square feet
Medium Retail & Personal Services as permitted in Section 34.04	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
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
Three Family Dwelling Units	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
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
Pet Grooming and Boarding Facilities	1 space per 265 square feet	1 space per 225 square feet
Neighborhood parks	25 spaces	40 spaces

5. Access:
   a. Access: Access to Fancher Road and South County Line Road shall be limited to those locations approved by the County Engineer. Access to State Route 605 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 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.

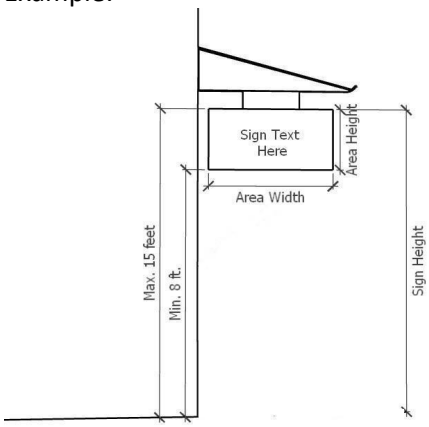
S. Signs – All signs shall be in accordance with the following regulations.

1. Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty (80) percent of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, and barn red. Signs colors and materials shall match that of the primary building.

2. For Mixed-Use Buildings:
   a. Projecting signs
      i. All projecting signs shall comply with the following guidelines and shall blend with the architectural design of the building to which it is attached.

Projecting Signs	**MU Overlay Districts**
Maximum Number of Signs Permitted Per Non-Residential Tenant	1
Maximum Square Footage	6
Maximum Height (Feet)	15
Minimum Height (Feet)	8

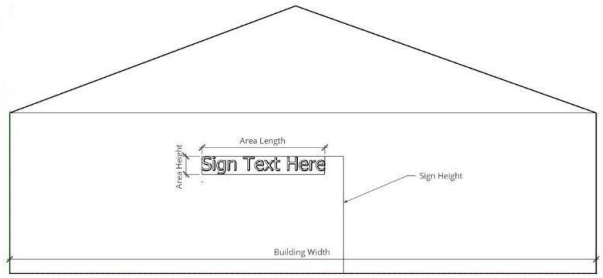
      ii. Example:



   b. Wall Signs
      i. 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.

Wall Signs	**MU Overlay Districts**
Maximum Number of Signs Permitted Per Tenant	1
Maximum Square Footage	1 square foot per 1 lineal foot of building width, not to exceed 50 square feet
Maximum Height (Feet)	15

ii. Example



c. Ground Mounted Signs

i. All Ground Mounted signs shall comply with the following requirements.

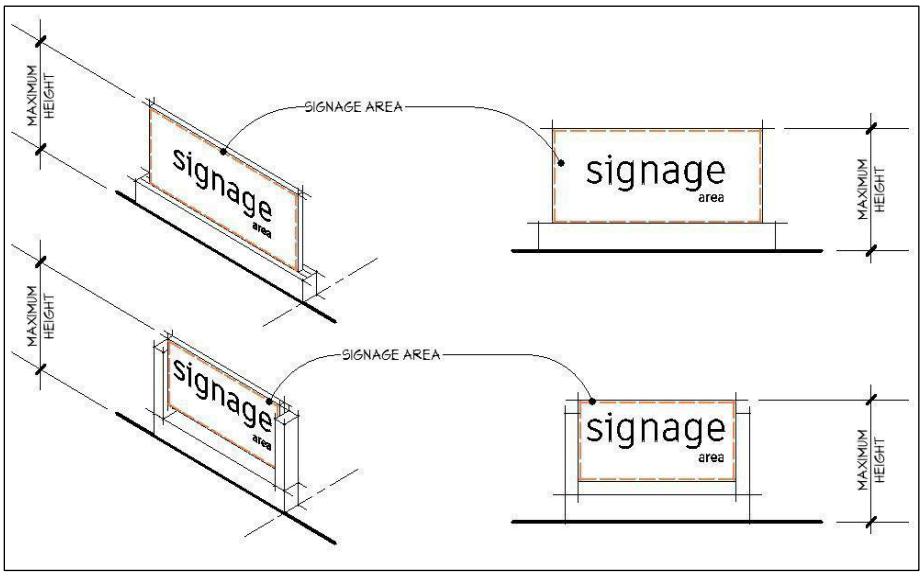
ii. All Ground Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.

iii. Monument Signs shall not be permitted along rear access roads.

iv. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.

Ground Mounted Signs	**MU Overlay Districts**
Maximum Number of Signs Permitted Per Tenant	1
Maximum Square Footage Per Sign Face	20
Maximum Height (Feet)	8
Minimum Distance from ROW (Feet)	10

v. Example:

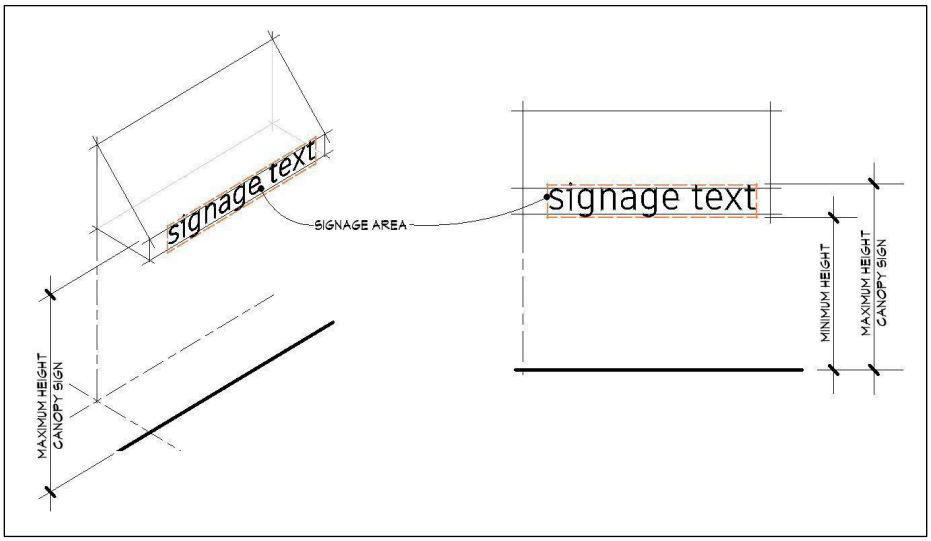


d. Canopy Signs

i. Projecting signs shall comply with the following guidelines and shall blend with the architectural design of the building to which it is attached.

Canopy Signs	MU Overlay Districts
Maximum Number of Signs Permitted Per Building	2
Maximum Square Footage	10
Maximum Height (Feet)	15

ii. Example



e. Temporary Signs: The following Temporary Sign regulations apply to all uses within the MU Overlay Districts.

i. Temporary Signs shall be prohibited within the right-of-way.

ii. 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.

iii. 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:

1. Exceed eight (8) feet in height.
2. Exceed thirty-two (32) square feet in area (per Sign face)
3. 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. 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. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.

4. Small and Large Temporary Signs shall not count toward the total maximum square footage of signs permitted on a lot.
5. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

f. Window Signs

i. All window signs shall comply with the following requirements:

Window Signs	**MU Overlay Districts**
Maximum Number of Signs Permitted Per Lot	3
Maximum Square Footage	25 percent of window area
Maximum Height (Feet)	15

T. Utilities – All utilities in the MU Overlay Districts shall be buried underground.

U. Supplemental Conditions and Safeguards – If 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.

V. Divergences – The Zoning Commission, as a part of the Development Plan approval process outlines 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.

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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.

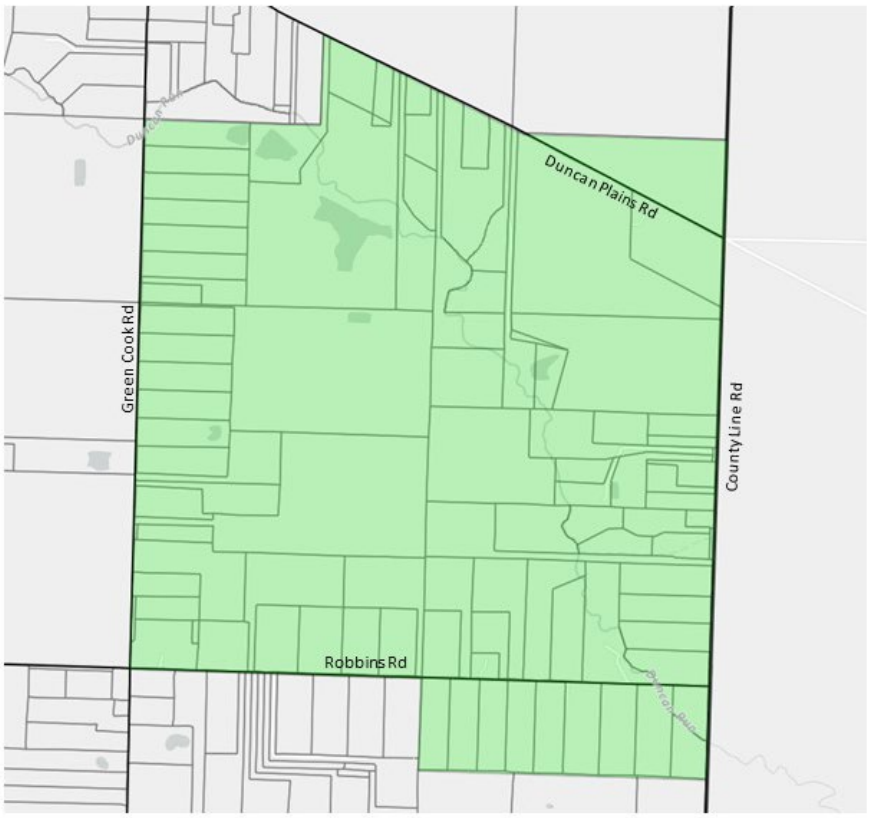


Figure 35.1
Harlem Township County Line Road Overlay District Subarea A

Key

Harlem Township Boundary

Sub Area A

½ Mile

N

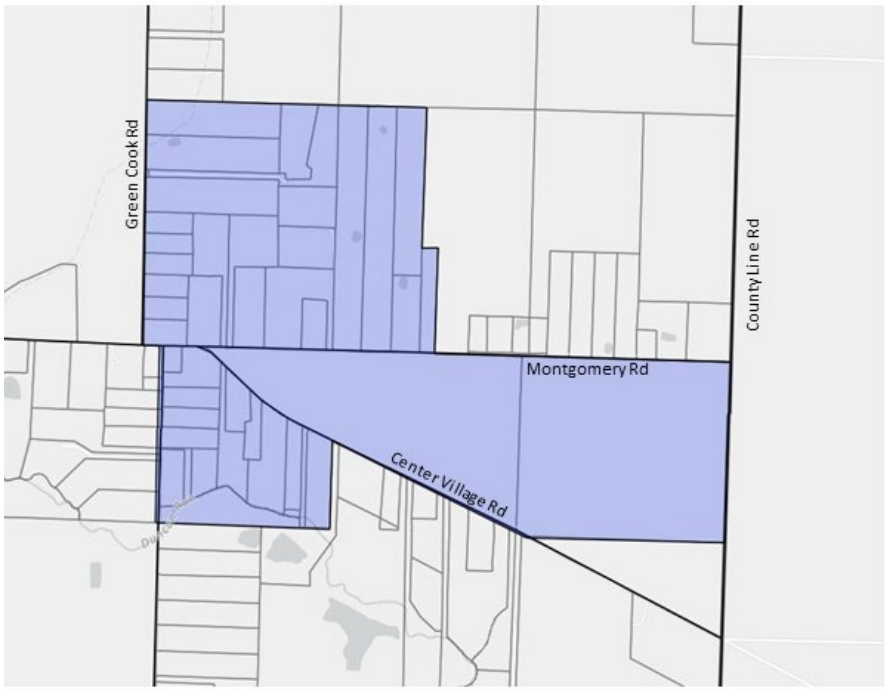


Figure 35.2
Harlem Township County Line Road Overlay District Subarea B

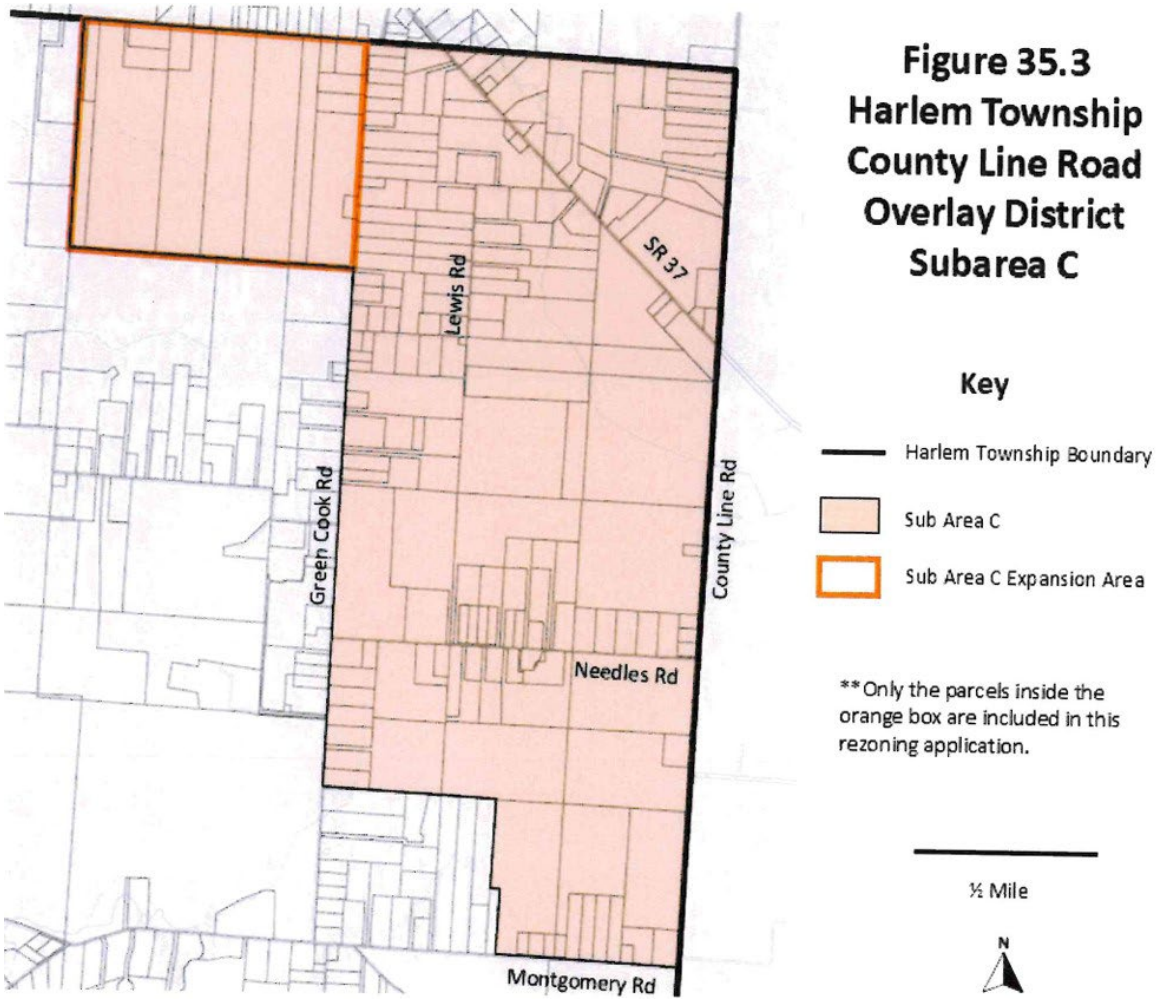
Key

Harlem Township Boundary

Sub Area B

½ Mile

N



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 premise.

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 Center			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 is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).

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

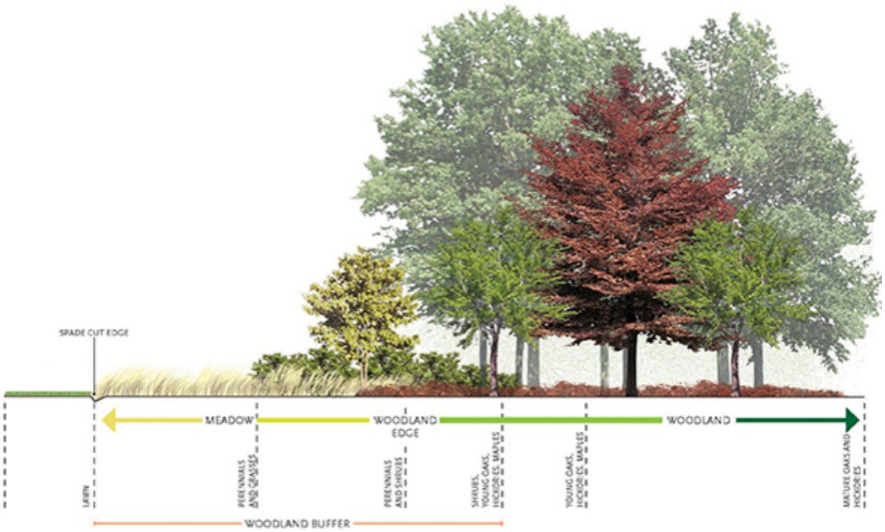


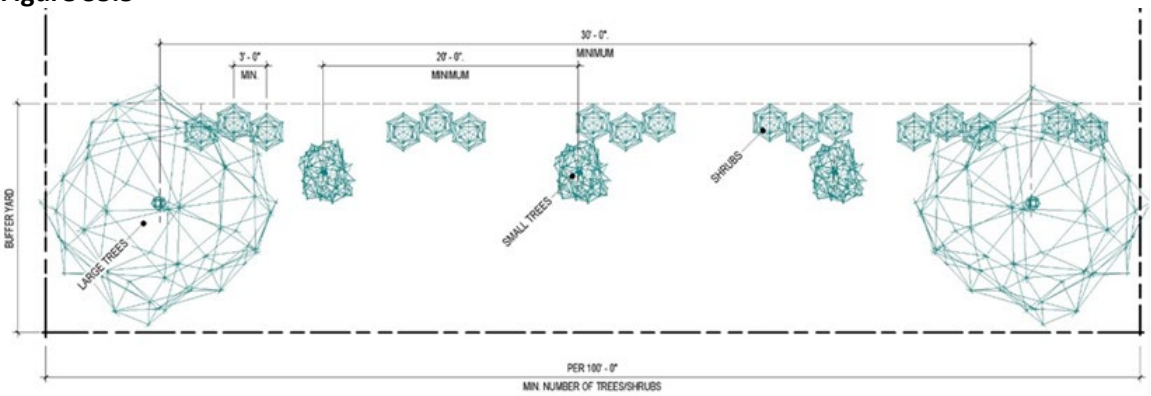
Table 35.2 Woodland Buffer

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



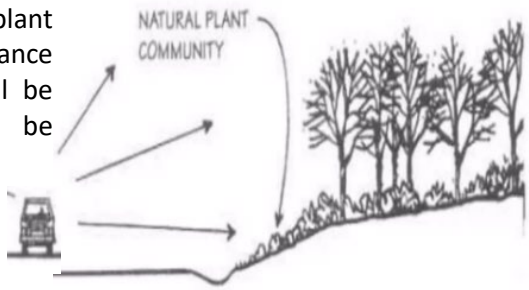
4. All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

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 the highest point of the structure including parapets, screening walls, or rooftop structures.

*** 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, g utters 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.

Photo Credit: www.cityplanter.com

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.

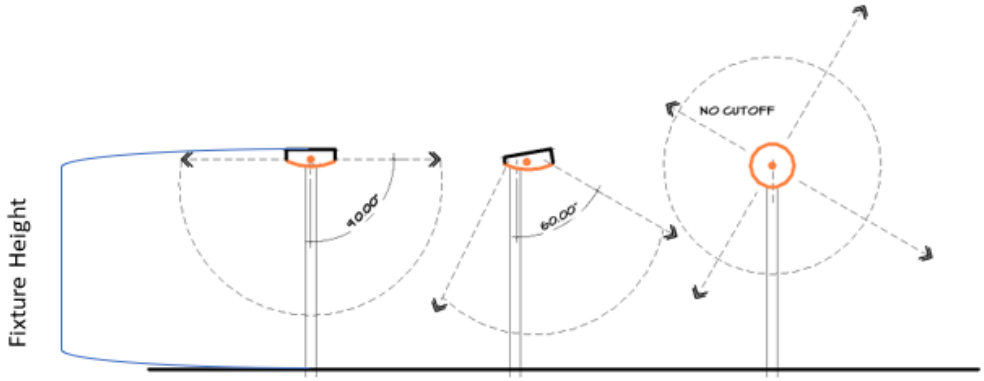
   c. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.

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

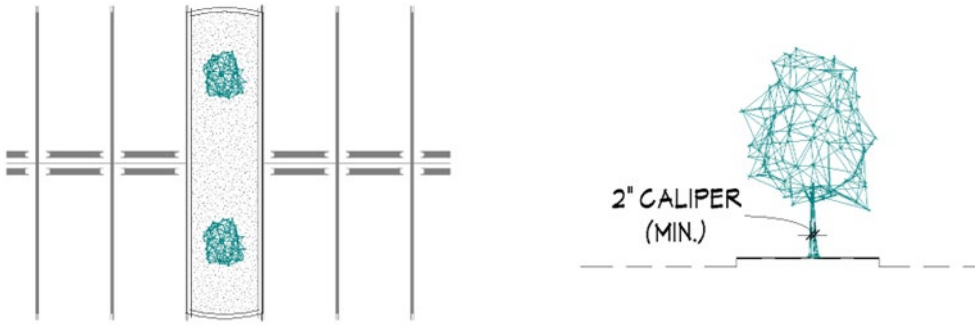
    b. Subarea C: Any surface parking area adjacent to a public right-of-way shall be screened from the respective right-of-way with a thirty-six (36) inch continuous planting hedge and tree combination.

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

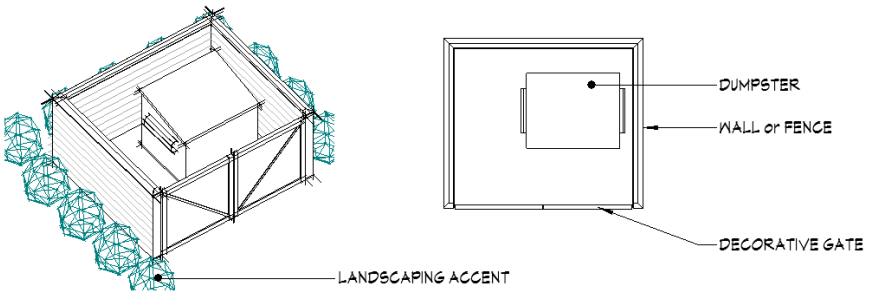
B. Landscaping that consists of evergreen trees that are a minimum of five (5) feet in height at the time of installation and spaced a maximum of twelve (12) feet between each tree.

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

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
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
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

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
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.

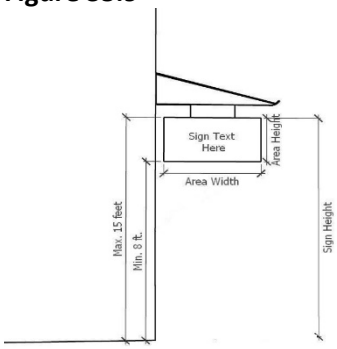
1. Design:
   a. CLR-A and CLR-B: Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign in Subareas A and B. Sign colors and fonts should also align with the rural character of the area, utilizing 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

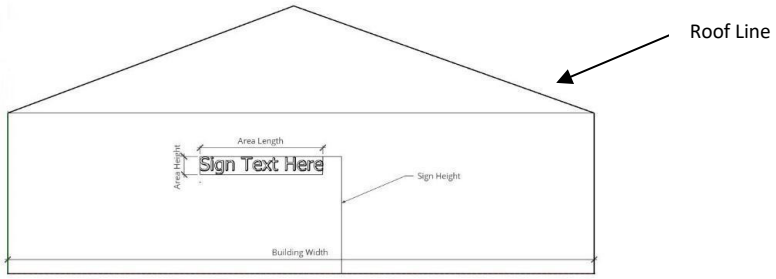


3. Wall Signs: All wall signs shall comply with the following requirements. Such Signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached.

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

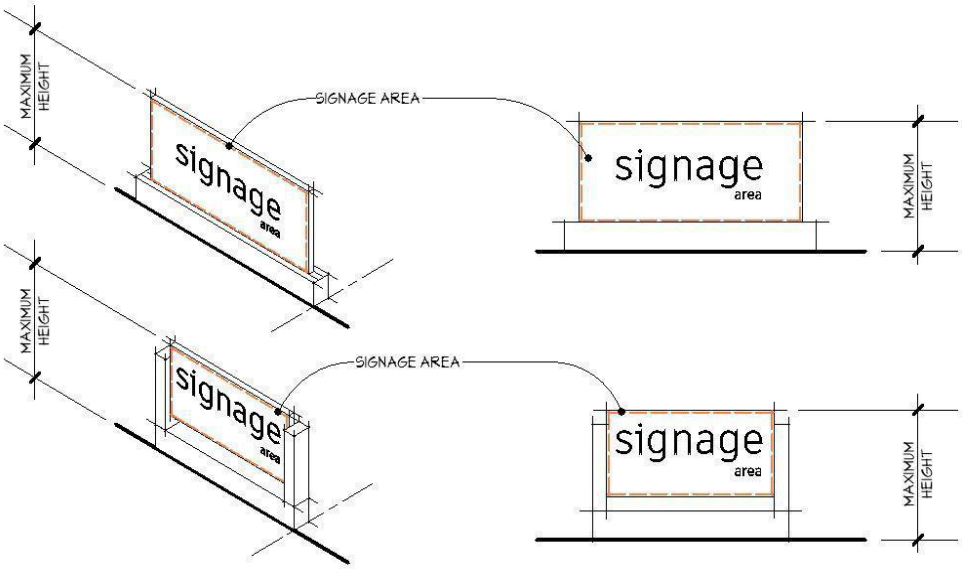
Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.

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

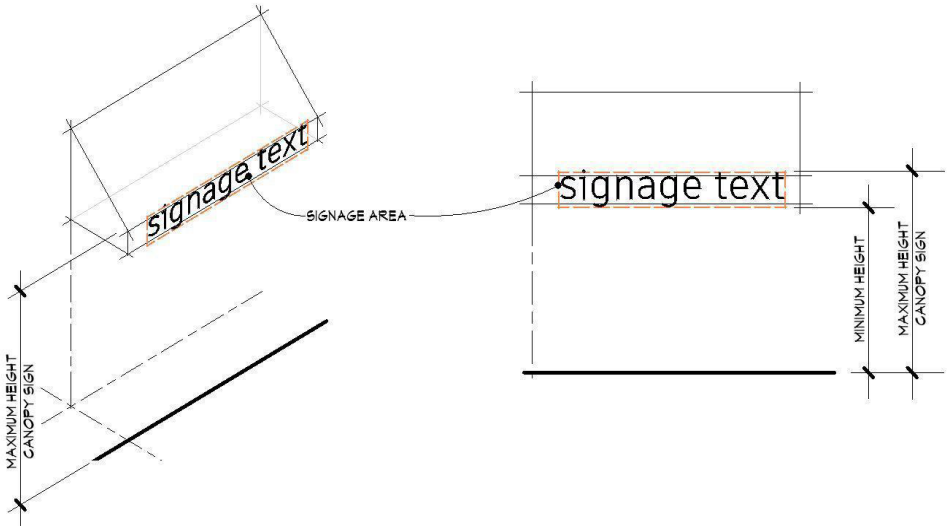


4. Canopy Signs: Canopy signs shall be permitted over the entrance to a building. Canopy signs comply with the following requirements and shall blend with the architectural design of the building to which it is attached.

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. Applicants must submit detailed water management plans and energy capacity reports.

2. 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.

3. 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.

4. All data centers must connect into central water and sewer services.

5. Data Centers shall adhere to all requirements in Article XXXV Landscaping.

6. The maximum lot coverage shall not exceed sixty-five (65) percent.

7. 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.

8. 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.

9. 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.

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ARTICLE XXXVI – MIXED - SERVICES BUSINESS - RESIDENTIAL OVERLAY (MSBR)

Section 36.01 – PURPOSE

The Mixed - Service Business - Residential (MSBR) Overlay 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 MSBR achieves this purpose by allowing mixed-use development that:

A. provides an opportunity for an appropriate mix of uses while protecting the rural character of the township;

B. creates a diversity of housing options combined with commercial uses to create a more walkable community and sense of place;

C. creates usable and accessible open spaces, recreational areas, and gathering places;

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 of 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 northern boundary.

Section 36.02 – OVERLAY AREA

The MSBR 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 MSBR Overlay District boundaries in Figure 36.1 as of the effective date of this amendment to the Harlem Township Zoning Resolution on February 14, 2025.

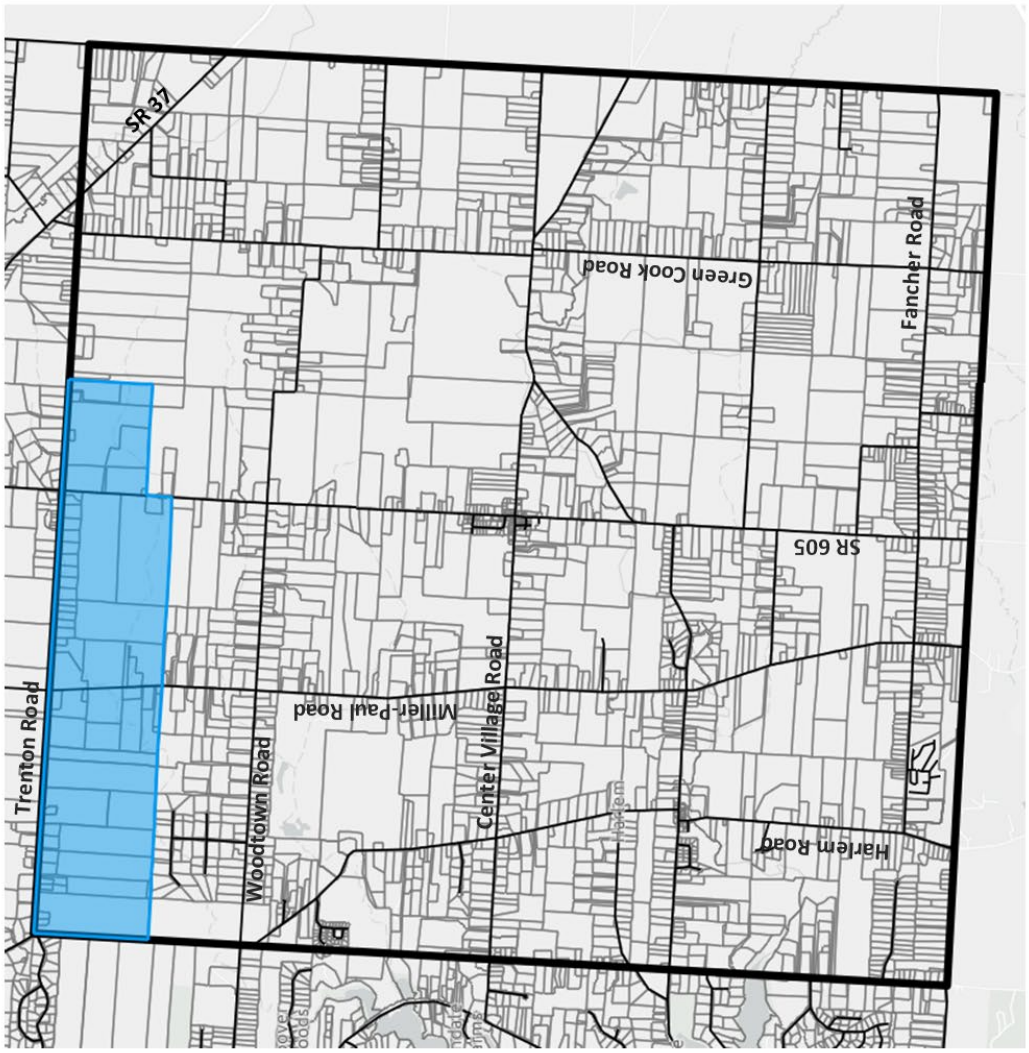

Mixed-Service
Business
Residential
Overlay
Harlem Township
Boundary
Overlay District
1 Mile
N
Trenton Road
SR 37
Woodtown Road
Miller-Paul Road
Center Village Road
Green Cook Road
SR 605
Harlem Road
Fancher Road

Figure 36.1

Section 36.03 – EFFECT OF MSBR OVERLAY DESIGNATION

As of the effective date of this amendment, all land bounded by the MSBR Overlay District boundary in Figure 36.1 is eligible for MSBR Overlay Zoning.

The Harlem Township Zoning Resolution currently in place shall continue to apply to all property within the MSBR Overlay District boundary unless the Township Trustees approve an application by an owner of property within the boundary to subject the owner's property to the regulations of the Overlay District.

Such an application shall be made in accordance with the regulations of Article XXXI and Article XXXVI 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 XXXVI.
If the Zoning Commission determines that the application and Development Plan do not comply with the regulations of Article XXXI and Article XXXVI 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 XXXVI 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 XXXVI, 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 XXXVI, 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 MSBR 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 36.04 – TRANSECT BASED AND CONVENTIONAL DISTRICTS

The MSBR is categorized as a transect district, where priority is placed upon the scale and form of buildings rather than on the land use of a property. While the transect district still regulates land use, it is a better tool to address the preservation of the particular characters within established neighborhoods and thus, maintains and enhances their sense of place. While this district will allow auto-oriented uses, buildings are grouped by compatible uses, scale, and intensity of use, while still allowing the development of neighborhoods where residents and workers may walk to work, school, and daily errands.

A. Summary of Transect Districts

The MSBR zone aims to guide automobile oriented and personal care uses intertwined with multi-family dwellings to strategic areas of Harlem Township that will be able to effectively serve adjacent developments in the neighboring communities of Sunbury and Galena.

Section 36.05 – PERMITTED AND ACCESSORY USES

A. The MSBR area includes a list of permitted and accessory uses. If a use is not listed as permitted or accessory, it shall be considered prohibited in the area. See Table 36.1.

B. Permitted Uses. Uses listed as permitted are allowed by a matter of right when designated as such. Such uses are designated with a "P".

C. Accessory Uses. Uses listed as accessory uses may be allowed when designated as such in the MSBR area, provided it is subordinate to the permitted use. Such uses are designated with an "A". 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 premise.

Table 36.1 Permitted and Accessory Uses

Use	
Accessory Structures	A
Assisted Living Facility	P
Automobile Oriented Uses	P*
Bank	P*
Beverage Sales, Microbrewery	P*
Beverage Sales, Micro Winery	P*
Business, Retail Small	P*
Business, Retail Medium	P*
Commercial Recreation Facilities, Large	P*
Commercial Recreation Facilities, Outdoor	P*
Commercial Recreation Facilities, Small	P*
Communication Facilities and Utility Sub Station	P
Community Services	P
Dwelling, Common Wall Single Family	P
Dwelling, Multi-Family	P
Dwelling, Row Houses, Townhomes (up to four units per building)	P
Dwelling, Studio, One- or Two-Bedroom Units	P
Drive Throughs	P*
EV Charging Station	P
Hotels/Motels	P*

Maker Space, Small	P*
Mixed Use Building, Comprised of Uses Listed in Table 36.1.	P*
Nursing Home	P
Offices, Large Administration, Business Medical or Professional	P*
Offices, Small Administration, Business Medical or Professional	P*
Park, Community or Regional	P
Park, Neighborhood	P
Places of Assembly, Large	P*
Places of Assembly, Small	P*
Restaurants	P*
School, High or Technical	P
School, Post Secondary	P
School Early Childhood Education, Elementary, Intermediate, or Middle	P
Solar Energy Systems, Rooftop	A
Wind Energy Conversion Systems, Individual	A

*Uses Denoted with * are limited to areas within 1,000 feet of the proposed right-of-way of Trenton Road.

Section 36.06 – 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 (14) consecutive 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 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. However, temporary parking of recreational vehicles, boats, or motor homes in front of the building line is permitted for those preparing for or returning from travel, provided it does not exceed a period of forty-eight (48) hours.

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. No outside storage of any kind shall be permitted. All permitted uses shall be conducted completely within an enclosed building.

H. No large business 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 two hundred (200) feet of a residential use.

K. No outdoor gun ranges shall be permitted.

L. No data centers shall be permitted.

M. No warehousing shall be permitted.

Section 36.07 – PROCEDURE TO APPLY FOR A MSBR OVERLAY DISTRICT

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

Section 36.08 – MSBR DEVELOPMENT PLAN STANDARDS

A. All proposed developments in the MSBR Overlay Districts shall follow the procedures outlined in Article XXXI.

B. Minimum tract size to utilize the MSBR Overlay District – 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 Zoning Commission. Open space shall be owned, administered, and maintained as identified on the Development Plan. With prior consent through resolution of the Board of Trustees of Township, 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. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township 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, or a Joint Economic Development District 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 MSBR 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 MSBR 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 36.08J.

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 one hundred (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 is defined in Article IV, Section 4.01, NET DEVELOPABLE AREA (ACREAGE).

F. Sewage Disposal – Central water and sewer services shall be required when an owner subjects its property to the MSBR overlay and the applicable Water and Sewer District certifies that central services are available with adequate capacity to service the proposed uses.

G. Stormwater – Features shall be designed to manage stormwater retention/detention and prevent erosion, flooding, or standing water within and through the site 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. This path shall be constructed only along main line roads to build regional connections within this Overlay District. The Township may also require paved or unpaved walkways to connect residential areas and open spaces, as determined by the approved Development Plan.

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. Buffers – Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the right-of-way of Trenton Road and SR 605. 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 open space. For purpose of this Overlay, the proposed right-of-way shall be considered:

- State Route 605 – seventy-five (75) feet from centerline.
- Trenton 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 36.2.

2. A one hundred (100) foot prairie buffer, when required, shall comply with the requirements in Table 36.3.
3. The image in Figure 36.2 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 36.3 shows the typical prairie buffer.

Figure 36.2

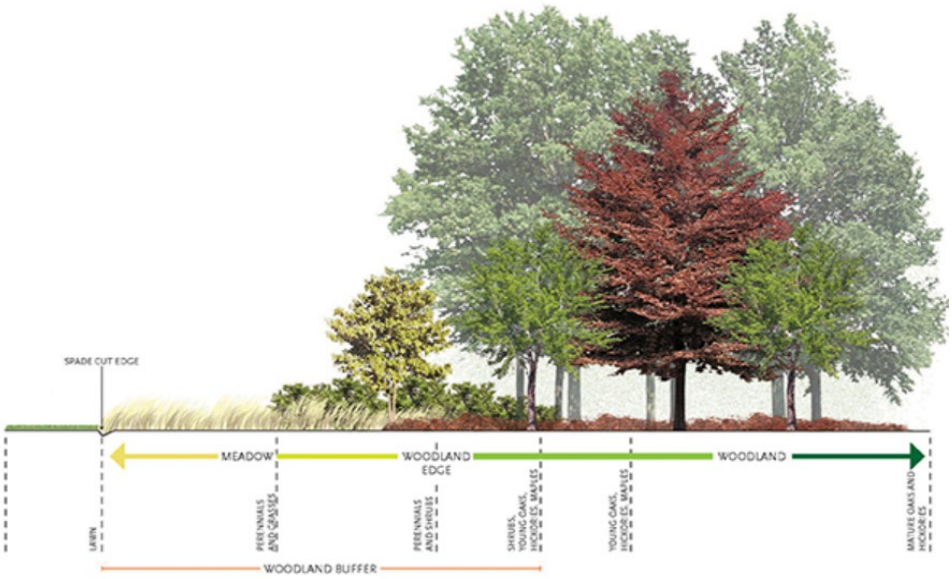


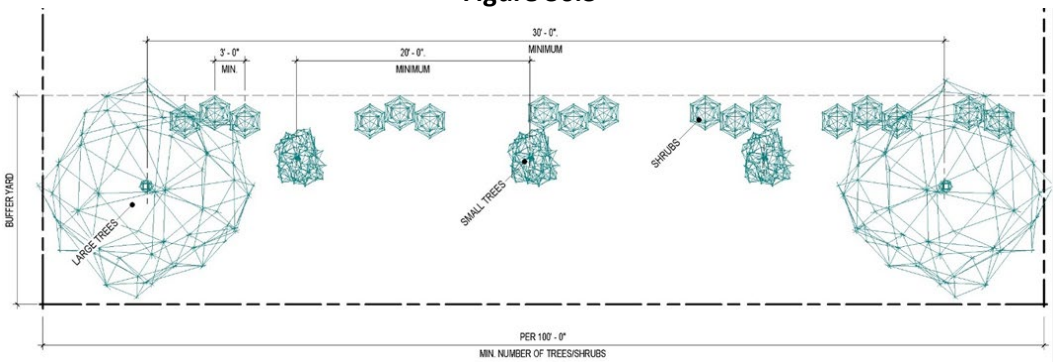
Table 36.2 Woodland Buffer

Woodland Buffer MSBR Overlay Districts			
	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 36.3 Prairie Buffer

Prairie Buffer MSBR 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 36.3



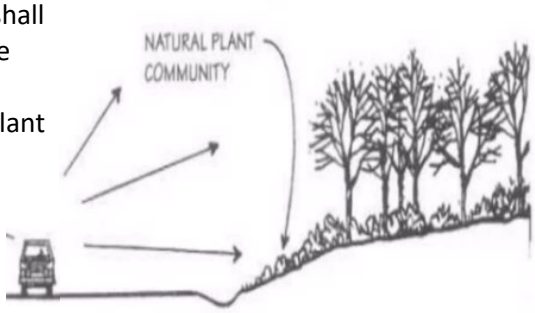
4. All trees required by the regulations in this Article shall comply with Section 36.08(Q)(1), be live plants and meet the following minimum tree sizes at the time of planting:

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.



M. **Bulk and Area Requirements** - All development within the MSBR overlay district shall comply with the bulk and area requirements in Table 36.4.

Table 36.4 Bulk and Area Requirements

Minimum Tract Size (Acres)	25
Minimum Lot Size (Acre)	1
Minimum Lot Width	At least ½ of lot depth
Setback along SR 605 (Feet)	Min. 200
Setback along Trenton Road (Feet)	Min. 200
Minimum Setback existing township, county or state roads (except Trenton and SR 605) (Feet)	100
Minimum Setback from new Collector, Local or Private Road (Feet)	30
Minimum Side Setback (Feet) (not abutting an existing state, county, or township road).	25*
Maximum Mixed-Use Building Height (Feet)	45**
Maximum Single Use Building Height	35**
Minimum Driveway Setback from Side Lot Line (Feet) (Single Family Dwelling Only)	N/A
Maximum Lot Coverage (%)	80
Maximum Building Size (Square Feet)	N/A

* When the proposed development abuts an existing parcel utilized for single-family residential purposes, a perimeter buffer is also required as outlined in Section 36.08(Q)(13).

** Building Height is measured at the highest point of the roof from the established building pad grade as shown on the approved grading plan for the development.

N. **Minimum Dwelling Unit Floor Area** – No dwelling unit constructed in the MSBR 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 below. For dwelling units constructed as part of a Multi-Family or Mixed-Use Building, all Dwelling Units shall comply with the following requirements in Table 36.5.

Table 36.5 Minimum Dwelling Unit Floor Area – Multi-Family or Mixed-Use Buildings

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

O. **Rural Design Standards for Multi-Family 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:

   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 colored glass, colored film, or reflective film is permitted on building exteriors, provided it is not the primary material and is subject to approval by the reviewing authority.

   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:** For all new buildings, 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:

i. For new buildings flat roofs are prohibited, and 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. **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:

a. 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.

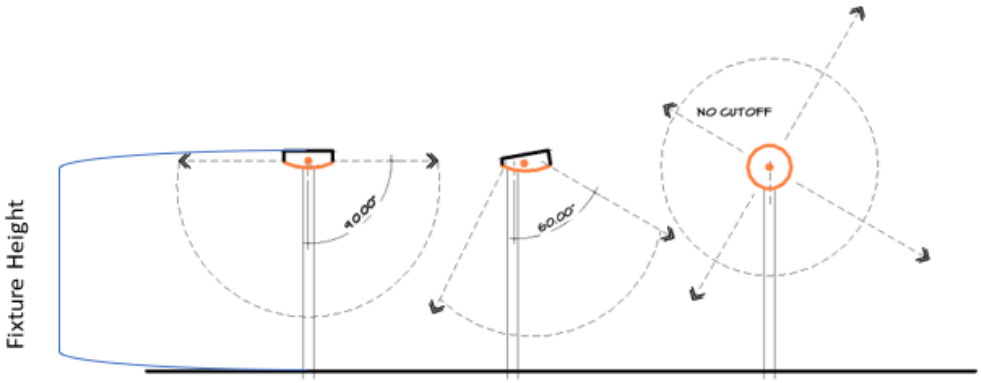
b. The fixture height in parking lots for all other uses shall not exceed twenty (20) feet in height.

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 36.4



5. Color Temperature:

a. Outdoor lighting must have a color temperature of three thousand (3,000) Kelvin or less and must use light colors no bluer than “warm white.”

6. Lumens:

a. 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:

i. 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 CR Overlay District that are still subject to the underlying zoning that allows single family residential uses.

ii. The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles as measured from the lot line.

iii. The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.

iv. The illumination across any property shall be designed so as to not create excessive 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.

9. Street Lighting:

a. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within the right-of-way. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.3 fc. 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. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.

Q. **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. Native Plants in Ohio
Ohio boasts about nineteen hundred (1,900) native plant species, all uniquely adapted to the local climate and soil, contributing to biodiversity and ecological health. Planting a diverse mix of native species helps safeguard against pests and diseases, ensuring ecosystem resilience. Notable species include Blue-eyed Mary, Wild Bergamot, Eastern Columbine, Gray Goldenrod, Northern Spicebush, and Wild Geranium. For a complete list, visit ohionativeplantmonth.org. For the purposes of promoting biodiversity, overall health and resilience and reducing the likelihood of an outbreak of disease, all required plantings

in this Article shall include a diverse range of plant species as determined by the reviewing authority.

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 (4) 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 must 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 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: 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:

    a. A thirty-six (36) inch continuous planting hedge and tree combination;

b. A thirty-six (36) inch decorative wall with fence in conjunction with landscaping; or

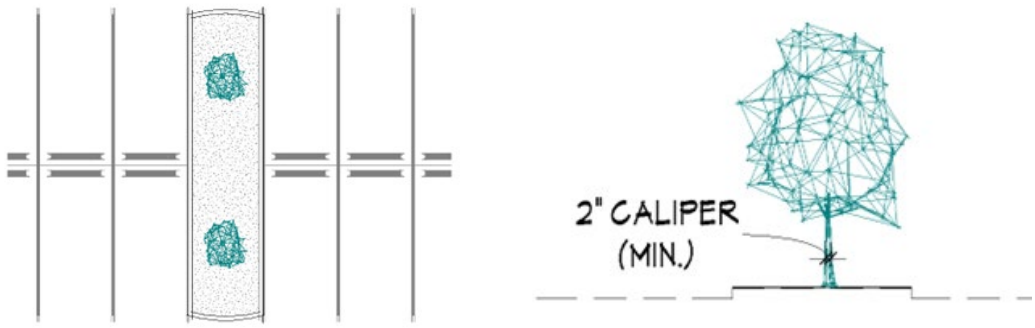
c. A thirty-six (36) inch decorative planter with lattice or other similar design

1. The height of the required screening shall be measured from the elevation of the adjacent parking area to the top of the screening material.

2. 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 36.5



12. Mechanical Equipment, Generators, Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones.

a. Mechanical Equipment and Generators. All external mechanical equipment 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:

1. 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

2. 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.

3. 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 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:

1. Production areas, service areas, and loading zones: Screening of such areas shall consist of either:

   A. A minimum six (6) foot wall or mound accented with landscaping materials that extends the entire length of the production area, service area or 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

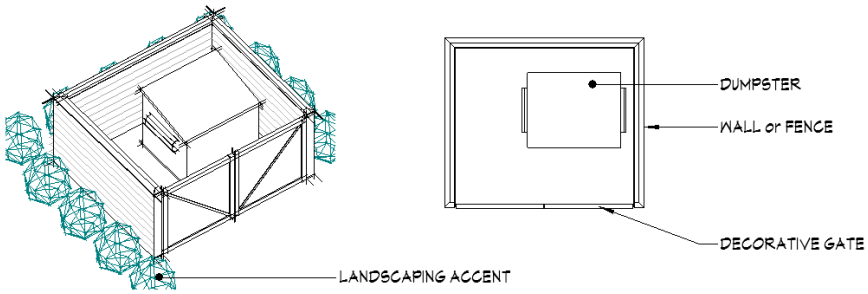
   B. Landscaping that consists of evergreen trees that are a minimum of five (5) feet in height at the time of installation and spaced a maximum of twelve (12) feet between each tree.

   C. When a loading area abuts an existing single-family residential use, it shall be setback a minimum of two hundred (200) feet from the lot line.

2. 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.

3. Accent landscaping, as utilized in this section, means shrubs planted no more than five (5) 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 36.6



13. Perimeter Buffer:

a. Table 36.6 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 36.6 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 36.08(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 36.08(L)(2).
No existing Single-Family Structure on the abutting lot	No buffer required.

b. 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.

R. **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. 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 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 35.08(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. No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) 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 36.08(R)(10).

4. Number of Parking Spaces

a. Every Development Plan within the MSBR Overlay District shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements. Due to the unique nature of the MSBR Overlay District, parking requirements for all development within the MSBR 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 should 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 36.7 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

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
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
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
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
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

Table 36.8 EV Parking Requirements

The following EV design standards apply to all EV parking spaces, including those installed voluntarily and not mandated by these regulations.

Minimum Parking Spaces	1 space per 100 standard parking spaces.
EV Parking Space Design Standards	Plug-in points must be associated with an individual parking space.
	Plug-in points and charging equipment shall be installed at the end or to the side of the associated parking space, in a landscaped area.
	A landscape buffer at least 3' wide should conceal the charging equipment from the public right of way. Plantings should include evergreen shrubs or small trees capable of providing year-round screening to a height of at least 6' within three years of planting.
	A 3' x 3' space shall be provided between the parked car and the EV equipment for the purpose of operating the equipment, except as otherwise required by ADA regulations.
	Spaces must be a minimum of 10' wide by 20' long.
	Curbs or wheel stops shall be utilized to prevent vehicle overhang into the equipment operation space.
	A sign, 12" wide by 21" tall indicating "Electric Vehicle Charging Station" shall be centered at the end of the parking space, mounted at a height of no more than 7' from grade to the bottom of the sign. MUTCD standard blue and green colors, and icon for electric vehicle charging shall be used on the sign.

5. Access

   a. Access to a county road shall be limited to those locations approved by the County Engineer. Access to State Route 605 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.

6. Drive Through Stacking Requirements

a. Developments providing an order and drive through service, pick up window, or other automobile-oriented use on the site shall be designed so that vehicles do not interfere with the parking and movement of other vehicles. Stacking lanes shall be provided to achieve this in accordance with the Stacking Requirements in Table 36.9.

Table 36.9

Activity	**Minimum Stacking Spaces (per lane)**	**Measured From and Including**
Banks and ATMs	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or other similar use	8	First pick up window
Full-Service Car Wash	20	Entrance of tunnel
Self Service – Automated Car Wash	4	Washing Bay
Fuel/Gasoline Pump Island	1 (at each end of the outermost gas pump island)	Pump Island

a. Pump spaces can count toward the stacking space requirement.

b. Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.

c. Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the drive through lanes.

d. Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.

e. These stacking space requirements shall be in addition to the off-street parking space requirements.

f. When adjacent to residential uses, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

S. Signs – All signs shall be in accordance with the following regulations.

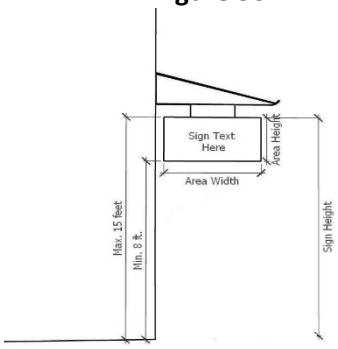
1. Design: Signs shall be designed to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, and barn red and shall match that of the primary building.

2. Projecting Signs: Projecting signs shall be utilized for mixed use buildings, shall comply with the following guidelines, and shall blend with the architectural design of the building to which it is attached.

Table 36.10 Projecting Signs

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

Figure 36.7



3. <u>Wall Signs:</u> All wall signs shall comply with the following requirements as shown in Table 36.11. Such Signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached.

Figure 36.8

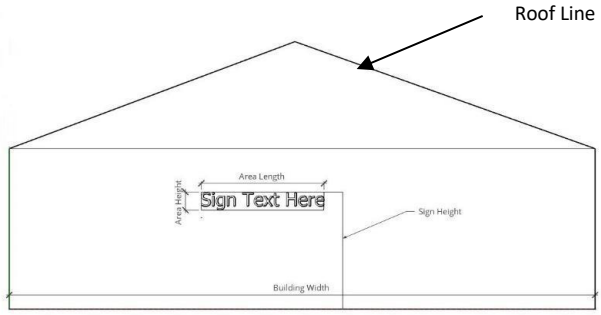


Table 36.11 Wall Signs

Wall Signs	**Mixed-Service Business Residential**
Maximum Number of Signs Permitted	1 per tenant
Maximum Square Footage	1 square foot per 1 lineal foot of width of tenant space, not to exceed 50 square feet
Maximum Height (Feet)	15

6. 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

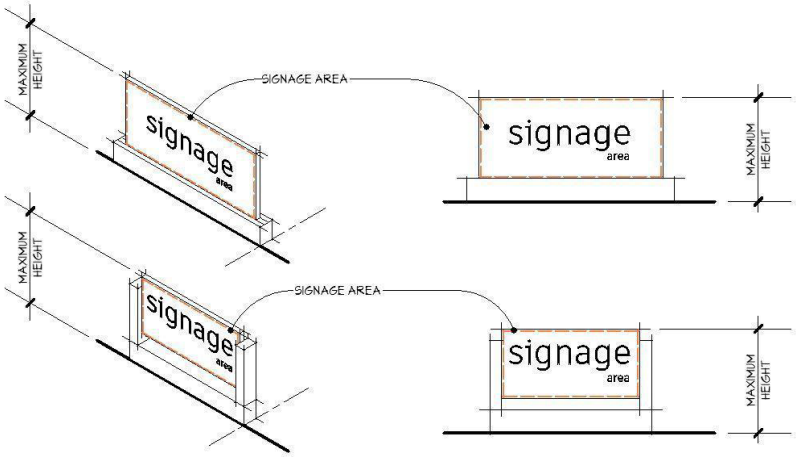
Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.

b. There shall be a maximum of two (2) Sign faces per Sign.

Table 36.12 Ground Signs

Maximum Number of Signs Permitted	1 per public road frontage
Maximum Square Footage Per Sign Face	20
Maximum Height (Feet)	8
Minimum Distance from ROW (Feet)	10

Figure 36.9

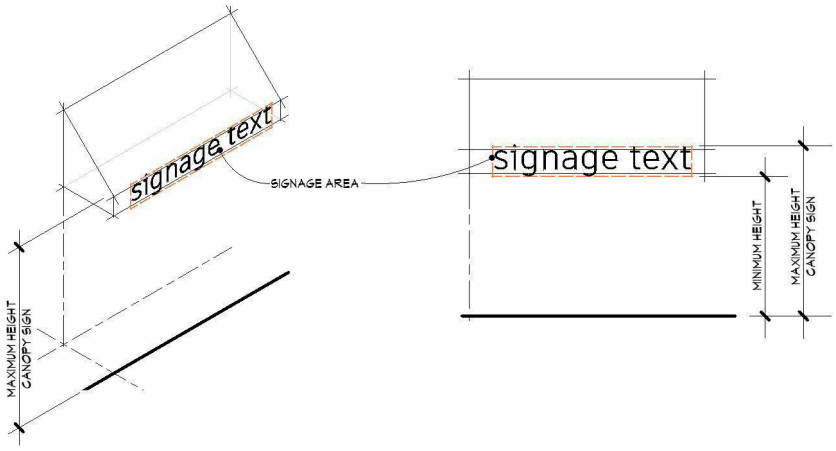


5. Canopy Signs: Canopy signs shall be permitted over the entrance to a building. Canopy signs comply with the following requirements and shall blend with the architectural design of the building to which it is attached.

Table 36.13 Canopy Signs

Maximum Number of Signs Permitted Per Building Entrance	1
Maximum Square Footage	10
Maximum Height (Feet)	15

Figure 36.10



6. Temporary Signs: The following Temporary Sign regulations apply to all uses within the MSBR 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 36.14 Window Signs

Maximum Number of Signs Permitted Per Lot	3
Maximum Square Footage	25 percent of window area

Maximum Height (Feet)	15

8. 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.

T. Utilities – All utilities in the MSBR Overlay District shall be buried underground.

U. Divergences – The Reviewing Authorities, 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.

-end of resolution-