

**HARRISON
TOWNSHIP**
Pickaway County, Ohio

RECOMMENDED REVISION OF THE
ZONING RESOLUTION

As Adopted February 20, 2024

Effective March 21, 2024

TOWNSHIP TRUSTEE
PUBLIC HEARING DRAFT

HARRISON TOWNSHIP ZONING RESOLUTION

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PART ONE

AUTHORIZATION AND ADMINISTRATION

ARTICLE I

AUTHORIZATION AND PURPOSE

Section 1.01 Title

This Resolution shall be known and may be cited as the:

Z O N I N G R E S O L U T I O N of HARRISON TOWNSHIP, PICKAWAY COUNTY, Ohio

Unless otherwise provided in this code or by local law, the rules of construction, definition, and application shall govern the interpretation of the Ohio Revised Code.

The Zoning Resolution may also refer to itself as a “Code” or “Zoning Code.” The Ohio Revised Code will be called the “Ohio Revised Code” or ORC.

Section 1.02 Purpose

The Board of Township Trustees find it necessary, advisable, and beneficial to the residents of Harrison Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is to promote and protect the public health, safety, and general welfare through the following measures:

- regulating the use of land areas and the construction, restoration, and alteration of buildings and uses therein;
- restricting the area dimensions of land, yards, and open spaces to secure safety from fire and other dangers;
- controlling the bulk, height, density, and location of buildings;
- protecting and preserving existing natural resources;
- assuring the orderly growth and development of lands.

All these measures in practice shall be consistent with the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.03 Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses, and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Harrison Township, Pickaway County, Ohio.

Section 1.04

Interpretation and Consistency

The provisions of this Resolution shall be the minimum requirements and shall apply uniformly to each class or kind of building, structure, or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other

Codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter, or change any other law, resolution or regulation of Harrison Township, or part thereof, not specifically repealed, amended, modified, altered, or changed herein.

Section 1.05

Regarding Section 519.21 of the Ohio Revised Code

Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Harrison Township shall be limited as follows:

- A. Except as otherwise provided below and ORC 519.21, nothing contained herein shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident 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. However, the Township may allow the conversion of an agricultural use to another use permissible in the respective district.
- B. 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 operation of its business. For purposes of this code, cellular towers are not considered to be a public utility.
- C. Nothing contained in this Resolution shall be interpreted 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.
- D. Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent 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 public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry, or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a non-conforming use pursuant to Article V of this Resolution.
- C. Permanently sited manufactured homes, as defined in Article II, Definitions, of this Resolution, shall be considered a permitted use in any district that permits single-family dwellings.

Section 1.06

Relationship to Private Covenants and/or Restrictions

- A. The standards and requirements of this Code are separate and independent from any private covenants, deed restrictions, or other private contractual arrangements relating to the development of land within Harrison Township. Harrison Township is not responsible for the enforcement of such private covenants or restrictions, and nothing in this code shall be interpreted to imply any such responsibility.
- B. Notwithstanding 1.06(A), the officials of the Township may make the owners or developers of property aware of the existence of such restrictions to the degree they are aware of said restrictions.

Section 1.07

Severability

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE II DEFINITIONS

Section 2.01 Interpretation

For this Zoning Resolution, certain terms and words are defined in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural, and the plural form shall include singular. The word "shall" is intended to mean "mandatory." "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Terms directly related to certain topics may be defined within the specific sections of the Resolution where those general requirements are found.

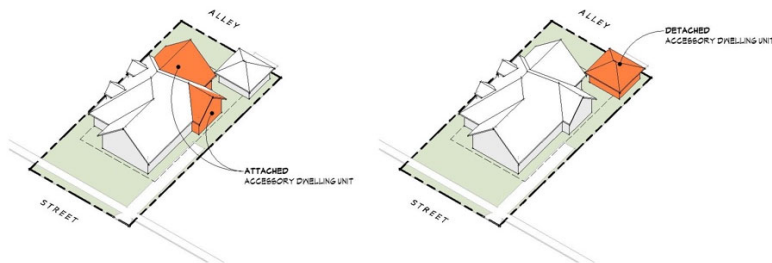
Section 2.02 Definitions

ACCESSORY USE, BUILDING, OR STRUCTURE - A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, hot tubs, and other similar types of buildings. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished grade. Private swimming pools are regulated by Section 20.10.

ACCESSORY DWELLING UNIT (ADU) - A smaller, secondary dwelling unit on the same lot or within a primary dwelling unit. An ADU is an independent dwelling unit that provides for the basic requirements of shelter, heating, cooking, and sanitation.

ADU, ACCESSORY SUITE - An ADU that is adjacent and connected to or located completely within the primary dwelling unit, including but not limited to the basement, attic, attached garages, or an addition to the primary structure.

ADU, DETACHED - An ADU located in a structure that is detached from the primary dwelling unit, including but not limited to a detached garage or a newly constructed structure.



ADMINISTRATIVE AND BUSINESS OFFICE – An office that carries no retail trade with the public and maintains no stock of goods for sale to customers.

ADULT BUSINESS – Any adult bookstore, adult cabaret, adult mini-theater, or adult motion picture theater.

ADULT CABARET – A restaurant, bar, or similar venue which features dancers, strippers, impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

ADULT FAMILY HOME — A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

ADULT GROUP HOME – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

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

AGRICULTURAL USE or AGRICULTURE – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms.
- B. Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District.
- C. Feeding, grazing, or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- D. The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- E. Raising fur-bearing animals as a principal use.

AGRITOURISM or AGRICULTURAL TOURISM – An additional use for agriculture that brings visitors to the land for entertainment such as food, drink, games, and similar activities.

AIRPORT – A complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

ALLEY – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ANIMAL SERVICE FACILITY – Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

APPEAL – A request by an aggrieved party for a review of any adverse decision by a township official, board, or commission.

ASSISTED LIVING FACILITY – A residential facility designed to meet the 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 USE – A use where a service is rendered or a sales transaction is made while the patron is typically not required to exit their vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, 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.

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE PARTS MANUFACTURING – A facility that improves existing products to create parts used within an automobile.

AUTOMOBILE REPAIR – Any building or portion of a building used for the servicing and minor repair of automobiles, including but not limited to shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

AWNING – A hood or cover that projects from the wall of a building and which can be retracted, folded, or collapsed against the face of the supporting building.

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.

BATTERY MANUFACTURING – A facility that improves existing products to create batteries.

BASE FLOOD – A flood that has a 1% chance of being equaled or exceeded in any given year.

BASEMENT – The portion of a building where the floor is not less than two (2) feet below the ground floor, and the ceiling is not more than four (4) feet, six (6) inches above the average grade.

BED AND BREAKFAST – A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor, and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

BEVERAGE SALES, ALCOHOLIC or BAR – A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

BEVERAGE SALES, PRODUCTION or MICROBREWERY – A limited production brewery, typically producing beers and selling them on-site or for local distribution. Can also include distilleries and other alcohol production facilities, except for vineyards, which are an agritourism use and are exempt from these regulations per Article XXII.

BIO-TECHNOLOGY – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as, but not limited to, pest-resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BODY ARTS ESTABLISHMENT – A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BUILDING – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUSINESS – A profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

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, LARGE RETAIL – A Retail or Wholesale business that is up to twenty thousand (20,000) square feet or larger.

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

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, WHOLESALE – A use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers, or other wholesale establishments.

CAR – See “Automobile.”

CARGO CONTAINER – A structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

CEMETERY – A land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery. (See Health Care Facilities).

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

COMMERCIAL RECREATIONAL FACILITY – 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, tennis courts, billiards, bowling alleys, ax throwing, miniature golf courses, and arcades.

SMALL, RECREATIONAL FACILITY - Less than 5,000 square feet.

LARGE, RECREATIONAL FACILITY – 5,000 square feet or larger.

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

SMALL, OUTDOOR RECREATIONAL FACILITY - Less than 5,000 square feet.

LARGE, OUTDOOR RECREATIONAL FACILITY – 5,000 square feet or larger.

COMMUNICATION FACILITIES – See Telecommunications.

CONDITIONAL USE – A permissible use in specific zoning districts subject to compliance with supplement conditions and safeguards and the granting of a conditional use permit as specified in Article IX of this Resolution.

CONGREGATE or GROUP HOME – A residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment.

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

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

DAY-CARE CENTER – 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.

DAY-CARE HOME, FAMILY LARGE – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, 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 home shall be counted. Large Family Day-Care Homes do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

DAY-CARE HOME, FAMILY SMALL – A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Small Family Day-Care Home shall be counted. Small Family Day-Care Homes do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

DENSITY, NET – The number of dwelling units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public rights-of-way.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT – A geographic section within Harrison Township where certain, uniformed development standards, as delineated by this Resolution, apply.

DRIVEWAY (ACCESS-POINT) – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial buildings.

DWELLING, CONTAINER – A Residential unit built from one or more standard shipping container(s) which meets the requirements of this Resolution and the current Ohio building codes.

DWELLING, DUPLEX – 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-UNIT – A building designed or used primarily as a residence with four (4) or more dwellings units.

DWELLING, ONE BEDROOM UNIT – A dwelling unit that is contained within a Multi-Unit Dwelling or mixed-used building as defined herein that contains only one bedroom.

DWELLING, STUDIO – A dwelling unit that is contained within a Multi-Unit Dwelling or mixed-use building as defined herein that combines a number of different types of rooms, such as living room, bedroom, and kitchen, into a single room.

DWELLING, THREE BEDROOM UNIT – A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

DWELLING, TWO BEDROOM UNIT – A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

DWELLING, ONE UNIT – A building designed exclusively for one detached dwelling unit that is situated on a parcel with no other principal structures and has a Front, Side, and Rear Yard.

DWELLING, TOWNHOME – A building designed exclusively for four (4) or more dwelling units that are structurally attached to one another, side by side, above one another, or in a quad formation, and erected as a single building.

DWELLING, TRI-PLEX – A building containing three (3) dwelling units designed for occupancy by not more than three (3) families.

DWELLING UNIT – Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

DWELLING UNIT, ACCESSORY – See “Accessory Dwelling Unit.”

ELDERLY/RETIREMENT HOUSING – A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined. Also known as a nursing home.

EMERGENCY AND PROTECTIVE SHELTER – A residential facility which provides room and board for a temporary (30 days or less) period, including but not limited to the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT – The intrusion on another person’s property or public right-of-way, intentional or unintentional

EQUIPMENT REPAIR, LARGE – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor’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.

FAÇADE – The face of a building, especially the principal front that looks onto a street or open space.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

FENCE – Any structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

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

FLEX-OFFICE – RETAIL – A space with store fronts with small rear warehousing that has built out 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 or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) –An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Harrison Township and/or Pickaway County

FLOODWAY - The channel of a creek, stream or other watercourse and the adjacent lands that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA - The sum of the gross horizontal areas of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area, for the purpose of these regulations, will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FOOD TRUCK - A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

FRONTAGE or LOT FRONTAGE - The portion of a lot that directly abuts a public street or street right – of – way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right – of – way that are not continuous or abuts two (2) or more separate and distinct rights – of – way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public right-of-way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

FUNERAL SERVICES FACILITIES - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

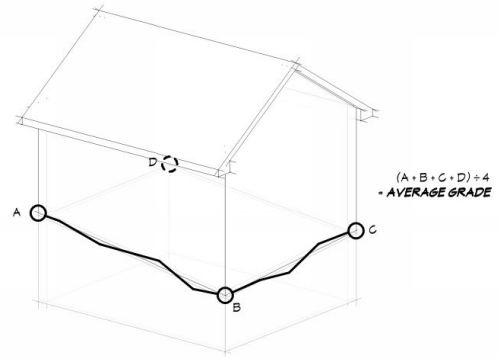
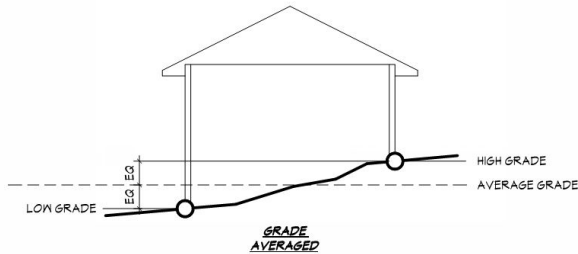
GARAGE, PRIVATE - An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC - A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

GOVERNMENTAL SERVICES – Any service provided by a governmental agency including but not limited to road and maintenance services and related infrastructure, water and wastewater facilities, fire and safety protection services, and other administrative services associated with a governmental agency.

GRADE – The elevation of the ground at any given point.

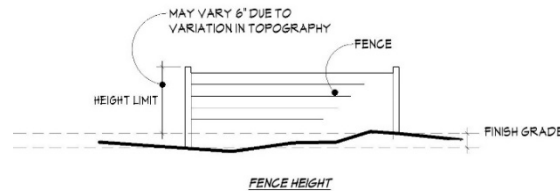
GRADE, FINISHED – The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.



HEALTH CARE FACILITY – General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisting living, nursing homes, or other similar facilities providing health related services and involving the overnight or long term stay of patients.

HEIGHT, BUILDING – The vertical distance between the finished grade of the building and the highest point of the roof.

HEIGHT, FENCE – The vertical distance between the highest point of the fence and the finished grade.



HEIGHT, SIGN – See Article XXX.

HOME DAY-CARE FAMILY, SMALL AND LARGE – see “Day-Care Home, Family Small and Large.”

HOME OCCUPATION – An accessory use which is an activity, profession, occupation, service, craft, or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. “Home Occupations” may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

HOTEL – 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 travelers.

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.

JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling, or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

KENNEL – Any enclosure, premises, building, structure, lot, area of one ownership where six (6) or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that includes, but are not limited to boarding, training, and sale of animals.

LANDMARK – Any property identified and listed individually, and protected under the terms of this ordinance, but not located within a Historical Overlay District.

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.

LANDSCAPING – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LEGAL DESCRIPTION – The geographical description of real estate that identifies the precise location, boundaries and easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

LIFE CARE RETIREMENT CENER – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

LOADING SPACE, OFF-STREET – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOGISTICS – A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings. This includes warehouses, storage facilities, and distribution facilities.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also see LOT LINE, FRONT)

LOT, COVERAGE – The total area of those portions of a lot that are covered by a building or structures, paved areas, and other impervious surfaces.

LOT, INTERIOR – A lot that abuts no more than one street and that fronts a street on not more than one side.

LOT LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

LOT LINE, FRONT – The property line fronting a public roadway right-of-way. For purposes of a corner lot, both property lines abutting a public right-of-way shall be considered a front lot line.

LOT LINE, REAR – The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

LOT OF RECORD – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.

LOT WIDTH – The width of a lot at the building line measured at right angles to its depth.

LUMBER YARD – A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

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

MAKER SPACE, LARGE – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce 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 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.



MANUFACTURED HOME, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all the following criteria:

- A. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
- B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
- C. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- D. The structure was manufactured after January 1, 1995.
- E. The structure is not located within a manufactured home park
- F. Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.



MANUFACTURED HOME PARK –A development constructed primarily for manufactured homes, with continuing local general management and facilities for common use by occupants, such as recreational buildings and open space.

MANUFACTURING – Any industry that makes products from raw materials using manual labor or machinery. This definition also includes fabricating, compounding, processing, assembling, and packaging of goods.

MEDICAL MARIJUANA – As defined in ORC Section 3769.01(A), effective September 8, 2016.

MIXED USE BUILDING – A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

MOBILE HOME – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections and does not qualify as a permanently sited

manufactured home or industrialized unit as defined in this Ordinance. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this Resolution.

MOTEL – 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. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MUNICIPAL SERVICES – Any building, area and appurtenances owned and operated by a city for the purposes of providing water, wastewater, or transportation services.

MURAL – See Sign, Wall Display, Mural

MURAL, GHOST – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

MURAL, ORIGINAL ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- A. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- B. Murals containing electronical or mechanical components; or
- C. Changing mural images

MURAL, VINTAGE ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon, or affixed directly to an exterior wall of a structure prior to the date of adoption of this Ordinance.

NON-CONFORMING STRUCTURE – Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

NON-CONFORMING USE – Any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

NURSERY SCHOOL – A facility that provides an education for children who have not attained compulsory school age.

NURSING HOME – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care, and supervision to aged, chronically

ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

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

OFF-STREET PARKING GARAGE – A public or private structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this zoning code.

OPEN SPACE – That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

OUTDOOR RECREATION FACILITY – An area that is not fully enclosed by walls and a roof which includes, but are not limited to uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold, or stored. For the purposes of this Resolution, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, garden stores, exterior trailer storage, cargo container storage, and exterior material storage. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

OWNER – Owner of record according to records contained in the County Recorder's Offices.

PARK AND RIDE – A parking lot next to a public transportation connection where commuters and other people can park their private automobiles before transferring on public transit.

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 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.



PARKING AREA – An open area other than a street or other public way that is used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

PERMANENT FOUNDATION – A permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

PERSON – Any individual, corporation, company, business, partnership, association, or legal entity.

PERSONAL SERVICES – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PLACES OF ASSEMBLY, LARGE – Any facility or business where 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 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.

PLANTS, ASPHALT – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within a stationary source.

PLANTS, CONCRETE – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

PORTABLE HOME STORAGE UNIT – Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site to another and designed to be used without a permanent foundation. Such structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

PRACTICAL DIFFICULTY – A standard utilized to determine whether an area variance should be granted. It is based on several criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

PRIVATE SWIMMING POOL – Any constructed pool which is used, or intended to be used, as a swimming pool in connection with a one-unit dwelling and available only to those living in said unit and private guests.

PROPERTY LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a “Lot Line.”

PUBLIC UTILITY – An organizational service provided to maintain infrastructure and serve the public good. Examples include water and electricity. Telecommunications towers (also known as cellular towers) are not a public utility.

QUARRY – A place, such as a pit, from where stone or other materials are extracted.

RECONSTRUCTION – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period and in its historic location.

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 – A publicly or privately operated home or facility that is further categorized as:

RESIDENTIAL FACILITY CLASS 1 – A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 – A facility that provides accommodations, supervision, and personal care services to any of the following:

- One or two unrelated persons with mental illness
- One or two unrelated adults who are receiving payments under the residential state supplement program
- Three to sixteen unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE - Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons. (See ORC 5119.341)

RESIDENTIAL FACILITY, SMALL – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one to five unrelated persons. (See ORC 5119.341)

RESIDENTIAL-OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL – A small office for administrative, business, or medical services as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL, RETAIL – A small business retail as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL TREATMENT FACILITY – A Residential Facility – Class 1 or Class 3 (ORC 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term (more than 120 days) room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral or mental disorders.

RESPONSIBLE PARTY – The owner of the property as determined by the County Auditor's Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT – An establishment that prepares food and beverages to the public for consumption on or off the premises.

RIGHT-OF-WAY LINE – The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley and associated sidewalk or multi-use path.

SATELLITE DISH ANTENNA, LARGE – Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short-wave listeners.

SATELLITE DISH ANTENNA, SMALL – Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

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 to twelve (9 – 12).

SCHOOL, POST-SECONDARY – A public or private institution providing educational or training services to individuals who have completed high school.

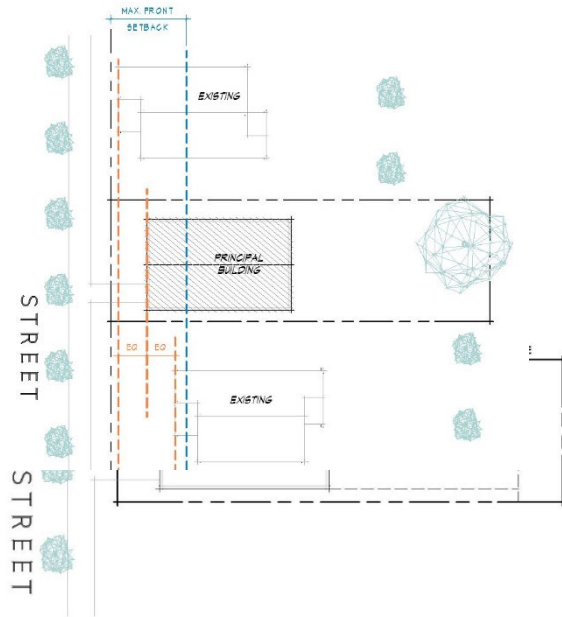
SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth (8th) grade.

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

SELF SERVICE STORAGE FACILITY – An individual compartment or stall used for the storage of customer’s goods or wares.

SETBACK – A required distance between a lot line and a principal structure established by the zoning district in which the principal structure is located.

SETBACK, AVERAGE FRONT – The distance between a front lot line and principal building that is established by averaging the front setbacks of two existing structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.



SETBACK, MAXIMUM – The largest distance permitted between a lot line and a principal structure. The Planning Director shall not administratively approve the location of a principal structure that is more than this required distance.

SETBACK, MINIMUM – The smallest distance permitted between a lot line and a principal structure established by the zoning district in which the principal structure is located. The Planning Director may not administratively approve the location of a principal structure that is less than this required distance but may administratively approve the location of a principal structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal structure is considered to be “yard” space as defined in this Resolution.

SHORT TERM RENTAL – Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SIGN – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform, or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product. Signs erected by the local, state, or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, BILLBOARD – A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, that are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

SIGN, ENTRY FEATURE – A sign intended to provide the identity a residential development or commercial development with more than one lot or tenant.

SIGN, FLASHING – A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

SIGN, GAS INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

SIGN, GROUND MOUNTED – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

SIGN, PERMANENT – A sign intended to be erected, displayed, or used, or in fact which is used for time period in excess of thirty (30) days within any 180-day period.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, PYLON – A type of free-standing sign that is supported by pole(s), pillars, posts, or other free-standing support and is less than 200 square feet.

SIGN, ROOF – Any sign erected upon or completely over the roof of any building.

SIGN, TEMPORARY – A display, or other device constructed of wood or other temporary material, with or without a structural frame, including, but not limited to, portable signs, development signs, real estate signs, sandwich type signs, sidewalk or curb signs..

SIGN, TEMPORARY BANNER – A display or other device constructed of cloth, fabric, vinyl, or other temporary material, with or without a structural frame.

SIGN, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL – A wall display that is less than 125 square feet.

SIGN, WALL DISPLAY – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include, messages, graphics, and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

SIGN, WAY FINDING – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically

affixed to or painted on the glass or other structural component of the window.

SIMILAR USE – A use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 12.02.05 of this Resolution.

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 at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR FACILITY, INDUSTRIAL – Solar panels and associated facilities connected to the electrical grid and designed for, or capable of, operation of an aggregate capacity of fifty (50) megawatts or more.

INDIVIDUAL SOLAR ENERGY SYSTEM, GROUND-MOUNTED – A small solar facility where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground and is designed for, or capable of, operation at an aggregate capacity of up to five (5) megawatts of energy.

SMALL SOLAR ENERGY SYSTEM, GROUND-MOUNTED – A small solar facility where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground and is designed for, or capable of, operation at an aggregate capacity of more than five (5) megawatts but less than fifty (50) megawatts of energy.

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

START OF CONSTRUCTION – the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STREET – A paved public vehicular right-of-way which provides access to abutting properties from the front.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

STRUCTURE – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands.

SUBSTANTIAL IMPROVEMENT/ALTERATION – any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the zoning clearance permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SWIMMING POOL, COMMERCIAL – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used, or intended to be used for public, semi-public, or private swimming by adults and/or children whether any charge or fee is imposed, operated by an owner, lessee, operator, licensee, or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE FAMILY – A temporary or permanent swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

TELECOMMUNICATION TOWER – A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition. See Communications Facility. Also known as a cellular tower.

TELECOMMUNICATION TOWER, ATTACHED – Any structure that will be attached to a Building or other structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE STANDING – Any free-standing structure that

meets the criteria for a telecommunication tower, as defined herein.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE – Any structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TRANSITIONAL LIVING CENTER – A Residential Facility – Class 1 or Class 3 (ORC 5119.34) that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TREE, LARGE – Any tree species which normally attains a full-grown height above sixty (60) feet.

TREE, MEDIUM – Any tree species which normally attains a full-grown height between thirty to sixty (30-60) feet.

TREE, SMALL – Any tree species which normally attains a full-grown height of under thirty (30) feet.

TRUCK AND TRAVEL CENTER – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

TOWNSHIP – Harrison Township, Pickaway County, Ohio.

UNDUE HARDSHIP – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Ordinance. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant. Also known as Unnecessary Hardship.

USE – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE – A modification of the strict terms of this Ordinance due to the strict enforcement of these regulations resulting in a practical difficulty or Unnecessary Hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or another similar requirement. This type of variance is typically reviewed using a Practical Difficulty standard.

VARIANCE, USE – A type of variance to allow a use that is otherwise prohibited within the district. This type of variance is typically reviewed using an Unnecessary Hardship standard.

VEHICLE, CHARGING STATION – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats, and jet skis.

VEHICULAR SALES, EQUIPMENT – An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

VEHICULAR SALES, MOTORCYCLES – An open area or building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL – An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

VINEYARD – An agritourism use that grows grapes or other fruit for the purpose of producing wine and selling the product on-site or for local distribution.

WALL, DECORATIVE – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than 50 percent of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL, RETAINING – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE – A type of wall display that is greater than 125 square feet and displays mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A wind energy conversion system that contains no more than one wind turbine and produces or is capable of producing less than five (5) megawatts of energy.

WIND FARM, SMALL – A Wind Energy Conversion System that contains one or more wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections [4906.20](#) and [4906.201](#) of the Revised Code and produce at least 5 megawatts of energy but less than 50 megawatts of energy.

WIND FARM, INDUSTRIAL – Wind turbines and associated facilities that are subject to the jurisdiction of the power siting board under sections [4906.20](#) and [4906.201](#) of the Revised Code.

YARD – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal structure. Fences and other accessory structures may be permitted within a yard as regulated in this code.

FRONT YARD – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

ZONING CERTIFICATE – A certificate issued by the Zoning Administrator confirming that the requirements of this Resolution have been met and the building can be occupied.

ZONING CLEARANCE PERMIT – A document issued by the zoning administrator authorizing the construction or alteration of a building, structure, or use consistent with this Ordinance.

ZONING DISTRICT – A portion of the Township within which certain regulations and requirements, or various combinations thereof apply under the provisions of this Zoning Resolution.

ZONING DISTRICT MAP or ZONING MAP – A map of Harrison Township that legally denotes the boundaries of the zoning districts as they apply to the properties within the Township. The official zoning map shall be kept on file in the administrative offices.

ZONING INSPECTOR – The enforcement officer, hired by the Board of Township Trustees, who is charged with issuing zoning clearance permits and performing other duties as specified in this Resolution

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Established

The Zoning Inspector shall enforce this Resolution. The Zoning Inspector shall be hired by the Board of Township Trustees and shall be considered an employee of the Township. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or alleged violations of this Resolution.

3.01.02 Relief from Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of their duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. They shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against them as a result of the enforcement of this Resolution.

3.01.03 Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Investigate all complaints received from residents alleging illegal activity, provided such complaints are filed in writing, and report findings to the Township Trustees.
- C. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met or refuse to issue same in the event of non-compliance.
- D. Collect designated fees, as established by separate resolution, for zoning certificates, appeals, variances, and conditional uses.
- E. Make and keep all records necessary and appropriate to the office, including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- F. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- G. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

3.01.04 Removal from Office

As an employee of the Township, the Zoning Inspector may be removed by the Township Trustees for non-performance of duty, misconduct in office, or other just cause.

Section 3.02 Rural Zoning Commission

3.02.01 Establishment

Pursuant to Ohio Revised Code Article 519.04, there is hereby established a Rural Zoning Commission for Harrison Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year.

For the purposes of this Resolution, the members of the Rural Zoning Commission existing on the effective date of this amended Resolution shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Commission shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.04.

3.02.02 Removal of Members

Members of the Rural Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after a public hearing has been held regarding such charges no longer than sixty (60) days after the charges are filed against the person. In such case, a copy of such charges shall be served to the member at least ten (10) days prior to the hearing, either personally or by registered mail. The member shall be given an opportunity to be heard and answer all such charges.

3.02.03 Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required for action on any specific business.

The Commission shall keep minutes of proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record and shall be immediately filed in the office of the Commission.

3.02.04 Zoning Secretary

The Board of Township Trustees may appoint a Zoning Secretary, who shall record the minutes of the Rural Zoning Commission and Board of Zoning Appeals, confirm the information on zoning applications, maintain zoning records, assist the Zoning Inspector, and perform other such duties relating to this Resolution as deemed appropriate by the Board of Township Trustees. The Zoning Secretary shall be compensated at rates established from time to time by the Board of Township Trustees.

3.02.05 Powers and Duties

For the purposes of this Resolution, the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

Section 3.03 Board of Zoning Appeals

3.03.01 Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Harrison Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

For the purposes of this Resolution, the members of the Board of Zoning Appeals existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Board shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.13 through 519.15.

3.03.02 Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after notification and a public hearing held no more than sixty (60) days after the charges are filed against the person,

following the procedures specified for the members of the Rural Zoning Commission in Section 3.02.02 above.

3.03.03 Proceedings

The Board shall organize annually and elect a Chairman. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Zoning Secretary, as established above, shall be responsible for keeping minutes and performing other administrative duties for the Board as required. The Board shall adopt, from time to time, such rules, and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.03.04 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of non-conforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section.
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

Section 3.04

Board of Township Trustees

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning. District Map.
- C. Override a written recommendation of the Zoning Commission on a text or map amendment.

Section 3.05

Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Articles 2505 and 2506 of the Ohio Revised Code. Such an appeal shall be made within ten (10) days of the Board's written decision.

ARTICLE IV

ENFORCEMENT AND PENALTY

Section 4.01 Zoning Certificate Required

- 4.01.01 A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:
- A. Construction, structural alteration, or enlargement of any building or structure, including accessory buildings and temporary structures
 - B. Change in the use of an existing building, structure, or land to a permitted use in the zoning district where the building is located.
 - C. Occupying or using vacant land.
 - D. Demolishing any building or structure.
- 4.01.02 The failure to obtain a Zoning Permit shall be considered a violation of this Code and shall be punishable in accordance with this Code.

Section 4.02 Application for Zoning Certificate

- 4.02.01 The responsible party or applicant shall submit three (3) copies of an application for a zoning certificate to the zoning inspector and shall include the following information:
- A. Name, address, phone number and email address of the applicant.
 - B. Address and parcel number of the property subject to the application.
 - C. Legal description of the property as recorded in the County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio.
 - D. Existing and proposed uses.
 - E. The Zoning District in which the property is located.
 - F. Plans and/or drawings to approximate scale showing:
 - 1. The dimensions of the property.
 - 2. The dimensions of existing and proposed buildings or structures on the property.
 - 3. The distance between the property lines and the existing and proposed structures.
 - 4. The dimensions and number of existing and proposed parking spaces.
 - 5. Any existing or proposed signage (not required for single-unit dwelling permit).
 - 6. Any existing or proposed landscaping (not required for single-unit dwelling permit)
 - 7. The height of existing and proposed buildings.
 - 8. Number of proposed dwelling units, if applicable.

9. The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted.
10. Any other information as determined by the Zoning Inspector to determine compliance with this Code.
11. A copy of any required approvals including but not limited to any necessary variances or conditional use permits.

4.02.02 The Zoning Inspector may increase or decrease the requirements for the application when the scope and scale of the proposed request warrants. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

Section 4.03 Approval of Zoning Certificates

4.03.01 The Zoning Inspector shall approve or disapprove the Zoning Certificate application within thirty (30) days after the receipt unless the provisions of Section 4.04 are applicable.

4.03.02 If a Zoning Certificate is approved:

- A. The Zoning Inspector shall mark the permit as approved, sign, date and return the approved permit to the applicant.
- B. The applicant shall Commence Work within one (1) year of the date of Zoning Permit approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the permit shall be considered null, and void and a new Zoning Permit must be obtained.
- C. The work described in the permit must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of Zoning Permit approval. Any work described in the permit that has not been completed within this two (2)-year period or as extended by the Zoning Inspector shall not proceed unless and until a new Zoning Permit is obtained.

4.03.03 If a Zoning Certificate is Denied:

- A. The Zoning Inspector shall mark the permit as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
- B. The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the Permit to file an Appeal application to the Board of Zoning Appeals.

Section 4.04 Submission to the Director of the Department of Transportation

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

Section 4.05 Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or their designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 4.06 Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire. For the purposes of these regulations, a building or structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to Section 4.07 below, has been issued. In cases where a zoning certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

Section 4.07 Certificate of Zoning Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate.

- A. An applicant shall apply for a Certificate of Zoning Compliance after completing the Work described in an approved Zoning Permit. The application shall be submitted to the Zoning Inspector. After the completion of the excavation for any new buildings and prior to the commencement of construction of the footers or foundation for any new buildings, the applicant shall request an inspection from

the Zoning Inspector to determine that all approved setbacks are being adhered to prior to the footers or foundation being constructed.

- B. No building or structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state:
 - 1. The proposed use is in conformance with the approved Zoning Permit; and
 - 2. The buildings and/or structures have been constructed in accordance with the approved Zoning Permit.
 - 3. If there are any non-conforming uses or structures located on said property, the Certificate of Zoning Compliance shall note the existing non-conforming status on the Certificate of Zoning Compliance.
- C. A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems (on-site or central) have been installed and approved by said authority.
- D. The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance.
- E. The Zoning Inspector is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
 - 1. All completed work at the time the Temporary Certificate of Zoning compliance is issued complies with the approved Zoning Permit.
 - 2. The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.
 - 3. That the temporary occupancy of a building does not impair public health and safety.

Section 4.08 Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 4.09 Void Zoning Certificate

A zoning certificate shall be void if any of the following conditions exist

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

Section 4.10 Violation and Penalty

4.10.01 Construction and uses to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of occupancy issued based on plans and applications approved by the Zoning Inspector authorize only the use, and arrangement of the plans, applications, or amendments Any use, arrangement, or construction not in conformance with the authorization shall be deemed a violation of this Code, and punishable as provided in Section 4.10.03.

4.10.02 Complaints Regarding Violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector, stating in full the violation and providing evidence to support the claim. The Zoning Inspector shall immediately investigate the alleged violation and take appropriate action as provided by this Code.

4.10.03 Penalties for Violation

Violation of this Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Code) shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any other person who participates or assists in, such violation may each be found guilty of a separate offense and suffer the appropriate penalties. Nothing in this Code contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking necessary lawful action to prevent or remedy any violations.

ARTICLE V NON-CONFORMITIES

Section 5.01 Intent

The purpose of this Article is to allow for the continuation of uses and structures that were lawfully permitted prior to the enactment of this Code or amendments, but do not conform to the currently adopted regulations.

Section 5.02 Grace Period

The construction, change, or remodeling of a use, structure, or building that was legally commenced prior to the effective date of this Zoning Code or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:

- A. The property was purchased or otherwise legally acquired prior to the effective date of this Zoning Code or amendment thereto making it non-conforming.
- B. Said work has been completed within two (2) years of the effective date of this Zoning Code or amendment making it non-conforming.

Section 5.03 Conformance Required

Unless otherwise specifically permitted by this Article, all buildings, structures and uses shall comply with the regulations for the zoning district in which they are located.

Section 5.04 Lots of Record

- A. A Lot of Record is any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.
- B. Any lot of record existing on the initial effective date of this Resolution may be used for any single-family dwelling when such use is permitted in the district, regardless of the width or area of said lot, provided all the following criteria are met:
 - 1. The side setback for any lot of record shall not exceed ten (10%) percent of the width of the lot, but in no case shall a side yard be less than three (3) feet.
 - 2. The rear setback for any lot of record shall not exceed twenty (20%) percent of the depth of the lot, but in no case shall the rear yard be less than ten (10) feet.
 - 3. Accessory structures shall comply with all side and rear setback requirements in the applicable district regulations.
- C. In any district where dwellings are not listed as a permitted use, a lot of record may be used for any permitted use in the district in which it is located, provided the following criteria are met:
 - 1. The side setback shall be a minimum of ten (10) percent of the lot width.
 - 2. The rear setback shall be a minimum of twenty (20) percent of the lot depth.

3. All other regulations for the district, including but not limited to impervious surface ratio, shall apply as stated in the applicable zoning district.
- D. Any lot of record that contains a structure that complies with the regulations in this Section shall be considered to be in compliance with these Zoning Regulations.

Section 5.05 Non-Conforming Structures

- A. A non-conforming structure is any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.
- B. A non-conforming structure may continue to exist in accordance with the provisions of this Article.
- C. A non-conforming structure may be enlarged, maintained, repaired, or structurally altered, provided, the existing non-conformity is not increased or extended, and no new non-conformities are created.
- D. A non-conforming structure shall not be moved in whole or in part for any distance to any other location on the same or any other lot. If such structure is moved, the entire structure shall conform to the regulations of the applicable zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
- E. A non-conforming mobile home, as defined in this Code, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home.

Section 5.06 Non-Conforming Uses

- A. A non-conforming use is any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.
- B. A non-conforming use may continue to operate in its current location in accordance with the provisions of this Article.
- C. The Board of Zoning Appeals may authorize a non-conforming use to be changed to another non-conforming use, provided the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under Section 4.10.03 of this Zoning Code.
- D. Unless otherwise permitted by this Article, a non-conforming use shall not be enlarged, extended, or expanded.
- E. The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a non-conforming use, provided such expansion does not exceeding twenty-five percent (25%) of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Zoning Code or at the time of its amendment making a use non-conforming. The Board of Zoning Appeals shall not authorize any enlargement which would:
 1. Result in a violation of the provisions of this Zoning Code with respect to any adjoining premises;

2. Occupy ground space required for meeting the setback or other requirements of this Zoning Code.
- F. A non-conforming use which has been replaced or abandoned shall not be returned to a non-conforming use. A non-conforming use shall be considered abandoned when there is intent either express or implied to cease the non-conforming use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the owner or responsible party has not been using the non-conforming use for said time period. A non-conforming use shall be considered replaced when either one of the following conditions exists:
1. When a non-conforming use has been changed to a permitted use in the applicable district.
 2. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

Section 5.07 Damage or Destruction

In the event that any non-conforming building, structure or use is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the district in which it is located. If such damage is fifty percent (50%) or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if

- A. A Zoning Permit is obtained;
- B. Restoration commences within one year after the date of such destruction; and
- C. The restoration is substantially completed within two and a half (2 ½) years from when the Zoning Permit is issued.

ARTICLE VI

ZONING AMENDMENTS

Section 6.01 Intent

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

Section 6.02 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or tenant of property or their designated agent within the area proposed or affected by the said amendment.

Section 6.03 Contents of Application

An application for amendment shall be submitted to the Zoning Inspector and shall include the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing, and proposed zoning.
- F. A list of all property owners within the 500 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their current addresses as appearing on the Pickaway County Auditor's tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information requested by the Zoning Inspector to determine conformance with and provide for enforcement of this Zoning Resolution.
- I. A fee as established by the Board of Township Trustees.

If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of this transmittal is the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

Section 6.04 Submission to Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application according to Section 6.02-3, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05.

Section 6.05 Public Hearing by Zoning Commission

6.05.01 Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adopting their motion, transmitting a resolution from the Board of Township Trustees, or filing an application pursuant to Section 6.02-3. The hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

6.05.02 Notice of Public Hearing in Newspaper

Before holding the required public hearing, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall set forth the following information:

- A. The time and place of the public hearing.
- B. A statement that the hearing is being conducted by the Harrison Township Rural Zoning Commission.
- C. A statement indicating that the proposed action is an amendment to the zoning resolution.
- D. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- E. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- F. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- G. The name of the person responsible for giving notice of the public hearing.
- H. Any other information requested by the zoning commission.
- I. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

6.05.03 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within 500 feet, contiguous to and directly across the thoroughfare from the area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03(F). The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02.

Section 6.06 Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in Section 6.05, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification or denial of the amendment requested.

Section 6.07 Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05.02.

Section 6.08 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 6.05.01, the Board of Township Trustees shall adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof.

Section 6.09 Criteria

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage, or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety, and general welfare of the adjacent properties and other residents of the Township.

Section 6.10 Effective Date and Referendum

Any amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment under such referendum. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

ARTICLE VII APPEALS

Section 7.01 Appeals

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code.

Section 7.02 Notice of Appeal

A notice of appeal may be filed with the Clerk of the Township by any person aggrieved including a tenant, governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Clerk of the Township shall transmit said notice to the Board of Zoning Appeals.

Section 7.03 Action by the Board of Zoning Appeals

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days' notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

ARTICLE VIII VARIANCES

Section 8.01 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize variances from the provisions of this Code that are not contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *practical. Difficulty* (area variance) or *undue hardship* (use variance) that would deprive the owner of the reasonable use of the land and buildings involved. The Board shall consider the following conditions for granting an area variance. An applicant does need to satisfy all of the conditions, however, one single condition shall not be the basis of the decision. Decisions should be made based upon a weighing of these factors.

- A. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That, without the variance, it is impossible for the applicant to make a reasonable return of the property
- D. That such unnecessary hardship has not been created by the applicant
- E. That the variance, if authorized, will represent the minimum variance that will afford relief
- F. That a variance is the only possible to solve the applicant's predicament.

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible in the respective district involved.

Section 8.02 Application for Variance

Any responsible party, owner, or their agent may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the Zoning Inspector. The Clerk shall forward such application to the Secretary of the Board of Zoning Appeals within five (5) days from receipt of the completed application.

The application for a variance shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property, including parcel number, as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 500 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.

- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining;
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted.
 - 3. The specific reasons why the variance is justified, according to Section 8.01.
- G. Fee(s) as established by the Board of Township Trustees.

Section 8.03 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals may hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. If such a hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 8.04 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 8.03, or sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

ARTICLE IX CONDITIONAL USES

Section 9.01 Authority and Purpose

A use of property that typically affects an area more intensely than permitted uses in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. The application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property, including parcel number, as recorded in the Pickaway County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require determining if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes, and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all properties within 500 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant may also provide the addresses of property owners within the above referenced boundaries when their addresses differ from the property adjoining to the proposed conditional use.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.
- I. Fee(s) as established by the Board of Township Trustees.

Section 9.03 General Standards for Conditional Uses

In addition to the specific requirements for conditional uses as specified in the district regulations, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all the following requirements:

- A. The use will be designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity
- B. The use will not pose a discernible health hazard to existing adjacent uses.
- C. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- D. The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of production of traffic, noise, smoke, fumes, glare, or odors.
- E. The use will be consistent with the objectives of this Zoning Resolution and any adopted comprehensive plan for the area.

Section 9.04 Supplementary Conditions

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

Section 9.05 Public Hearing by the Board of Zoning Appeals

The Board may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 9.02. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

Section 9.06 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

Section 9.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

ARTICLE X

PROCEDURE FOR RICKENBACKER BUSINESS DEVELOPMENT OVERLAY (RBD)

Section 10.01 Procedure

All applications to submit a request for development in the Rickenbacker Business Development District shall follow the procedures outlined in this Article X.

Section 10.02 Pre-application Meeting

- A. The applicant shall engage in informal consultations with staff from the Township. Such consultations may also include, and are strongly encourage with the Regional Planning Commission, the County Engineer, one or two representatives from the Township Zoning Commission, and other departments prior to submission of an application for approval of a Development Plan. No statement or action by Township or County officials during these informal consultations 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 rules. 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 Trustees.
- B. The applicant should 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.

Section 10.03 RBD Development Plan Schedule

- A. Each year the Township Board of Trustees shall adopt an RBD Development Plan schedule, which shall include monthly submittal deadlines for RBD applications. The submittal deadline immediately following the submission of a completed application, as determined by the Zoning Inspector, shall be considered the "submittal date" of said application.

Section 10.04 Application and Development Plan

- A. The applicant shall prepare and submit a formal application and RBD Development Plan, with a minimum of five (5) hard copies, along with an electronic copy and any and all applicable fees to the Township Zoning Inspector. The application shall be signed by the applicant and all owners of the property. The Township Zoning Commission and/or Board of Trustees may request that any County agency and/or any committee of the Regional Planning Commission submit comments for consideration at the meeting.
- B. The application shall include a Development Plan and be accompanied by the following supporting information and documentation in text and map form:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the Tract to be developed.
2. A grading plan drawn to scale of 1" = 100', or to another scale acceptable to the Zoning Inspector, showing all information pertaining to surface drainage for the Tract.
3. An explanation of the method/structure and proposed documentation and instruments to be used to perpetually own, maintain and preserve the required open space. The location, size, and proposed use(s) of all open space areas shall be detailed.
4. A Traffic Impact Study (TIS) may be required as indicated below:
 - a. When the proposed use(s) within the Tract to be developed generate less than 100 a.m. or p.m. peak hour vehicle trips and/or less than 500 new daily vehicle trips, no TIS shall be required.
 - b. When the proposed use(s) within the Tract to be developed generate 100 or more a.m. or p.m. peak hour vehicle trips and/or 500 or more new daily vehicle trips, a TIS shall be required but the applicant may delay the TIS until after the Development Plan has been approved by the Township Trustees, provided the following information is submitted to the Zoning Inspector at the time of the Zoning Permit application:
 - i. A copy of a letter(s) from the permitting authority(ies) of the applicable roadway(s), indicating that the applicant has completed a TIS and that said permitting authority(ies) has (have) reviewed and approved said TIS.
 - ii. A copy of an agreement or other acceptable form of commitment between the applicant and the permitting authority(ies) of the roadway(s), binding the applicant to construct the required improvements within the TIS in accordance with the time frames in the approved study.
 - iii. If an applicant is unable to provide the above information, then the Zoning Permit shall be denied by the Zoning Inspector and a new Development Plan must be approved by the Township Trustees in accordance with Section 10.11.
 - c. Vehicle trips shall be determined by utilizing the ITE Trip Generator Book (8th Edition or most current publication).
 - d. A TIS, when required, shall be signed, and sealed by a Professional Engineer (preferably a Professional Transportation Operations Engineer) and shall include all information required by the County Engineer's office, the County Subdivision Regulations, the County Access Management Regulations (if applicable), the Ohio Department of Transportation (ODOT) or any third-party Engineering firm hired by the Township, as applicable.
 - e. The recommendations included in a TIS, when required, shall be approved by the permitting authority of the applicable roads to which the

recommendations apply. In the case of Township Roads, the Township may utilize a third-party Engineering firm or the County Engineer's office to review and approve the recommendations of the TIS.

Section 10.05 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, 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.
- C. Date and north arrow.
- D. 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 allowed as 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.
- E. Boundary lines of the proposed development and the total acreage of the proposed project.
- F. The adjoining lines of adjacent Tracts, Parcels or Lots.
- G. Layout, numbering, and dimensions of Lots, if more than one.
- H. Labels for the existing zoning districts for the Tract and adjacent Parcels.
- I. Existing deed restriction for the Tract to be developed, if applicable.
- J. Sight Line Diagram for adjacent residential districts.
- K. Locations, widths, and names of all existing and proposed public streets or other public rights-of-way, railroad and utility rights-of-way or easements, parks and other public open spaces, and section and corporation lines within the Tract.
- L. Existing sewers, water mains, culverts, 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.
- M. Existing ground configuration, drainage channels, wooded areas, watercourses, and other significant physical features within the Tract. An exhibit demonstrating environmentally-sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than twenty percent (20%).
- N. Any stream delineations and mitigation setbacks required by the Army Corps of Engineers.
- O. 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.

- P. The proposed provisions for water, fire hydrants, sanitary sewer, all underground utilities, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Preliminary water, sanitary sewer, and storm sewer line sizes and location, detention basins and drainage structures shall be drawn. Detailed engineering is not required.
- Q. A copy of letters from the following entities:
1. County Engineer or roadway maintaining authority stating that the proposed access and sight distance is adequate.
 2. Water and Sewer District stating that water and sanitary sewers are available and have sufficient capacity to serve the proposed land uses.
- R. Proposed street grades and preliminary sewer size slope.
- S. Building setback lines with dimensions.
- T. Layout, location, dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the Tract must be labeled as “to be removed”.
- U. Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development.
- V. Preliminary drawings for buildings to be constructed, including preliminary floor plans, exterior elevations, and sections.
- W. Color renderings of proposed and existing Structures (except those that are “to be removed”), complete with a listing of all colors referenced by the Pantone Color Reference System (latest edition), or if Pantone is not available, the manufacturer’s reference/serial number with samples and materials to be used.
- X. Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers, and loading zones from view.
- Y. 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.
- Z. Accommodations and access for emergency and fire-fighting apparatus.
- AA. A detailed Signage Plan showing the location, type, dimensions, and features of all signage.
- BB. A detailed Exterior Lighting Plan that includes a photometric plan showing:
1. The proposed intensity levels of the lighting throughout the site indicating footcandle measurements;
 2. The lighting levels for the proposed site and an area extending a minimum of 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; and
 9. The hours of use of the lighting fixtures.
- CC. 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 planting and rendering(s) of how that section of the development.
- DD. would look in elevation.
- EE. 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.
- FF. 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.
- GG. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- HH. The applicant may request a divergence from the development standards set forth in Article XX. 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 Article XX. A request to approve a use that is not listed as a permitted use in the Subarea shall not be considered a divergence and shall follow the statutory rezoning process to determine if such use should be added to the Subarea text.
- II. Any other information, as may be required by the Township Board of Trustees, in order to determine compliance with this Zoning Code.
- JJ. 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.

Section 10.06 Zoning Inspector

After receipt of completed application materials and required fees, the Zoning Inspector shall forward said materials to the Zoning Commission, the Architectural Review Board, and Township Trustees for further action under this Section 10.06, including, but not limited to, this Section.

Section 10.07

Zoning Commission

- A. The Zoning Commission may review said application materials at its next meeting immediately following the submittal date of said application and at no other or additional meetings. During the meeting, the Zoning Commission may provide informal feedback to the applicant and the Zoning Inspector. The Zoning Inspector may provide a written report to the Architectural Review Board and the Board of Trustees that includes the informal feedback received from the Zoning Commission during its meeting.
- B. The Zoning Commission informal feedback during this meeting is advisory to the applicant and Zoning Inspector and is non-binding upon the applicant, Zoning Inspector, and Township Trustees. No statement or action by the Zoning Commission, or any of its members, in the course of this meeting shall be construed to be a waiver of any obligation of the applicant or of any procedure or approval required under this Section 10.07 or any other applicable Township, County, or State statutes or rules. Ohio's Open Meetings Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at Zoning Commission Work Sessions. Failure of the Zoning Commission to obtain a quorum to open and conduct said meeting shall not delay the review of said application by the Township Trustees.
- C. The Zoning Commission shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice of the meeting at least ten (10) days before the date of the Zoning Commission meeting. Notice shall be sent by regular, first-class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action taken by the Township on the Application.

Section 10.09

Township Architectural Review Board.

- A. The Township Architectural Review Board, as established by Resolution #XXX, may review said application materials at its next meeting immediately following the submittal date of said application and at no other or additional meetings. During the meeting, the Architectural Review Board may provide informal feedback to the applicant and the Zoning Inspector. The Zoning Inspector may provide a written report, the Board of Trustees that includes the informal feedback received from the Architectural Review Board during its meeting.
- B. The Architectural Review Board's informal feedback during this meeting is advisory to the applicant and Zoning Inspector and is non-binding upon the applicant, Zoning Inspector, and Township Trustees. No statement or action by the Architectural Review Board, or any of its members, in the course of this meeting shall be construed to be a waiver of any obligation of the applicant or of

any procedure or approval required under this Section 10.09 or any other applicable Township, County, or State statutes or rules. Ohio's Open Meetings Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at Architectural Review Board. Failure of the Architectural Review Board to obtain a quorum to open and conduct said meeting shall not delay the review of said application by the Township Trustees.

- C. The Architectural Review Board shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice of the meeting at least ten (10) days before the date of the Architectural Review Board meeting. Notice shall be sent by regular, first-class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action taken by the Township on the Application.

Section 10.10 Board of Trustees Action

The Board of Trustees shall schedule and hold a public hearing within sixty (60) days after the "submittal date" of said application and shall give the applicant along with any adjoining property owner(s) written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular mail. The Township Trustees may take into consideration any comments received from the Zoning Inspector, including any provided from the Zoning Commission and Architectural Review Board. The Board of Trustees shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing. Failure of the Zoning Commission or Architectural Review Board to provide informal feedback or of the Zoning Inspector to provide a written report shall not delay the review of said application by the Township Trustees.

Section 10.11 Basis of Approval

- A. In determining whether to approve an Application and Development Plan, the reviewing authorities shall consider the following:
 - 1. If the proposed Development Plan is consistent with the purpose, criteria, intent, and standards of this Article and Zoning Code, and/or that proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify the deviation from the development standards or requirements of the Zoning Resolution.
 - 2. If the proposed Development Plan meets the design features and development standards required in this Article and Zoning Code or otherwise are listed and approved as divergences.
 - 3. If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, sidewalks, and multi-use paths, police and fire protection, drainage structures, potable

water and centralized sanitary sewers or other approved sewage disposal systems.

4. If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements being constructed and opened prior to the opening of the uses in the Development Plan without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
5. Such other considerations which promote public health, safety, and welfare may be deemed relevant by the Board of Trustees, including but not limited to any FAA requirements when properties are in proximity to the Rickenbacker airfield.

- B. In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards and restrictions deemed necessary to carry out the purpose and intent of Section 18.01.

Section 10.12 Effect of Approval

The Board of Trustees action on a 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 Revised Code but is subject to appeal pursuant to Chapter 2506 of the Revised Code. If the Trustees determine that an Application and a proposed Development Plan complies with the requirements of this Article, including any approved divergences, and approve said application, upon such approval the Zoning Map shall be changed so that any other zoning district that applied to the Tract that is subject to the Application no longer applies to that Tract. The removal of the prior zoning district from the Zoning 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 of the Revised Code.

Section 10.13 Plat

The Development Plan as approved by the Board of Trustees shall be the subject of a subdivision plat to be approved by the Regional Planning Commission, only if required by the Ohio Revised Code or the Regional County Planning Commission. 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 County Subdivision Regulations 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 Tract for which a plat is required until such plat for that portion has been approved by the applicable platting authorities and recorded with the County Recorder in accordance with the approved Development Plan and the County Subdivision Regulations.

Section 10.14**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 constructed until either an extension has been approved in accordance with Section 10.11 or an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

Section 10.15**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 Board of Trustees upon application of the owner(s), provided the 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 toward the accomplishment of the recordation of 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 Board of Trustees. A request for an extension shall be filed prior to the expiration of the established approval period.

Section 10.16**Amendment of an Approved Development Plan**

A. After a Development Plan has been approved by the Township Trustees, no changes to said plan shall be permitted without approval as set forth below:

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 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 this Article and shall be considered a major amendment.)
- b. An increase of no more than five (5) percent of the lot coverage provided on the approved development plan.

- c. An increase of no more than five (5) feet in the maximum building height as shown on the approved development plan.
- d. Like for like adjustments to specified building materials.

Anyone aggrieved by the Zoning Inspector's decision on a proposed minor amendment, may appeal said decision to the 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 through RC 2506.

2. Major Amendment:

- a. All other proposed amendments, other than the four (4) identified in Section 10.16(A)1 above, shall be considered major amendments and must be approved by the Township Trustees after a public hearing.
- b. The Township Trustees shall schedule and hold a public hearing within thirty (30) days of receiving an application for a major amendment and provide notice of the public hearing where said modification will be considered. The purpose of the public hearing is to determine whether the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such amendment is consistent with the intent of Section 18.01. Notice shall be provided to the applicant and all owners within, contiguous to, and directly across the street from the property for which the amendment is proposed. Said notice shall be given by regular first-class mail sent no less than ten (10) days prior to the public hearing. 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 said notice shall not invalidate any action the Township Trustees may take on the request. The Township Trustees shall render a decision on the proposed amendment at the conclusion of the public hearing. The Township Trustee's decision on the amendment is administrative in nature and is subject to appeal in accordance with RC 2506.

- B. 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 the entire RBD Overlay District.
- C. A request to approve a use that is not listed as a permitted use in the RBD, and that is not otherwise permitted in this overlay shall not be considered an amendment and shall follow the statutory rezoning process to determine if such use should be added to the RBD permitted use list.

Section 10.17

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.
- B. 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.
- C. 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.

ARTICLE XI

PROCEDURE FOR PLANNED SUBURBAN RESIDENTIAL AND MIXED-USE (SRM), PLANNED BUSINESS (PBD) and PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Section 11.01 PROCEDURE – PUD MAP AMENDMENT – PRELIMINARY DEVELOPMENT PLAN

Review of applications for Planned Development Districts shall be conducted in compliance with the following general provisions:

- A. Review for completeness. The Zoning Inspector, or designee, shall review each planned development application for completeness and compliance with the applicable submission requirements, unless the Zoning Inspector, or designee, determines that specific items are inapplicable or unnecessary. If the Zoning Inspectors deems an application as insufficient, the Zoning Inspector shall notify the applicant of the deficiencies. Only complete applications shall be placed on the Zoning Commission agenda. When the application is determined complete and all applicable fees are paid, the Zoning Inspector shall officially accept the application for consideration. This shall include either a preliminary development plan as set forth in Section 11.03(B) or a final development plan as set forth in Section 11.03(C).
- B. Previously approved Planned Development Districts. Planned Development Districts, including development plans and development standards text adopted prior to the effective date of these Planned Development District regulations, shall continue in effect, and be considered legally conforming under this code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this code.
- C. Subdivision plat approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with the county subdivision regulations,
- D. Zoning amendment pre-application meeting with concept plan. The applicant shall meet with the appropriate Township staff for review of a concept plan prior to submitting an application for a Planned Development District zoning amendment. The concept plan is intended to outline the basic scope, character, and nature of a proposed project. The review is to provide input in the formative stages of design.
 - 1. The applicant shall submit a concept plan for the Zoning Inspector, or designee, to review. The concept plan shall include the elements indicated in Section 11.03(A).
 - 2. The Zoning Inspector, or designee, may forward complex projects to the Zoning Commission for their review and feedback.
 - 3. The applicant may request review and feedback from the Zoning Commission prior to preparing a preliminary development plan.
 - 4. No discussions, opinions, or suggestions provided on any aspect of the concept plan shall bind the applicant, or the Township, or be relied upon by the applicant to indicate subsequent approval or disapproval by the Township.
- E. Zoning amendment request. An application for a zoning amendment to the Planned Suburban Residential Development, Planned Business, or Planned Unit Development District shall be submitted in accordance with this Article. In addition to the submission requirements for zoning amendments, the applicant shall also submit a preliminary development plan, development text, and supporting documentation as required below.
- F. Preliminary development plan review procedures. The application, including all submission requirements for preliminary development plans in accordance with Section 11.03(B), shall be reviewed and distributed according to the following procedures.
- G. Zoning Inspector, or designee, review, and transmittal to the Zoning Commission. After determining that an application is complete according to Section 11.01(A), the Zoning

Inspector, or designee, shall forward the application to the appropriate Township departments and, if determined necessary, professional consultants for review and comment. The Zoning Inspector, or designee, shall schedule a public hearing of the preliminary plan by the Zoning Commission no less than twenty (20) days and no more than forty (40) days from the date the application is deemed complete and notify all adjacent property owners in accordance with Sections 6.05.02 and 6.05.03. ?.

- H. Review and recommendation by Zoning Commission. The Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 11.04. The Zoning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.
- I. Action by Zoning Commission. Within 30 days of the conclusion of its public hearing, the Zoning Commission shall recommend to Township Trustees one of the following:
 - 1. That the preliminary development plan, development text and its supporting documentation be approved as submitted;
 - 2. That the preliminary development plan, development text, and its supporting documentation be approved with specific conditions set forth by the Planning Zoning Commission, and agreed to by the applicant, to further protect and improve the proposed and surrounding developments; or
 - 3. That the preliminary development plan be disapproved.
- J. Transmission to Township Trustees. The Zoning Commission shall transmit the zoning amendment application and the preliminary development plan in the form of an Resolution along with all appropriate documentation, including their recommendation to Township Trustees.,
- K. Review and action by Township Trustees. Within thirty (30) days of receiving the Zoning Commission's recommendation, Township Trustees shall conduct a public hearing, in accordance with Township Trustees procedures and public notice provisions set forth in Section 6.07.

In reviewing the Resolution(s), the Township Trustees shall consider the approval criteria set forth in Section 11.04.
- L. Approval of the Planned Development District/Preliminary Development Plan. Adoption of the Resolution shall constitute a rezoning of the property included in the preliminary development plan to a Planned Suburban Residential, Planned Business & Industrial or Planned Unit Development District, and the preliminary development plan and associated commitments become binding on the applicant. The Official Zoning Map shall be amended to reflect the zoning changes. In the event Township Trustees approve the preliminary development plan with modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised preliminary development plan with the Zoning Inspector, or designee. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.
- M. Significance of approved plan. Approval or approval with recommended modifications of the preliminary development plan by the Township Trustees shall:
 - 1. Establish the development framework for the project, including the general location of open space, use areas, densities, unit types, recreational facilities, and street alignments;
 - 2. Permit the applicant to proceed with detailed planning of the final development plan; and
 - 3. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- N. Expiration of zoning approval. Given the nature of the Planned District process and the unique standards simultaneously adopted, the Planned Suburban Residential, Planned Business & Industrial or Planned Unit Development District designation, as applicable, shall remain valid for three years from the date of Township Trustees approval. During that time, the applicant shall prepare and submit a final development plan for review in compliance with Section

11.02 below. In the event progress on the PUD is discontinued, the Township may begin procedures to rezone the property to the zoning district in place prior to the Planned Unit Development District or to another district as may be determined appropriate. For the purpose of this section, progress shall be considered discontinued when:

1. The final development plan for the PUD, or for the first phase of the PUD, is not submitted within three years after approval by Township Trustees of the preliminary development plan;
2. A final development plan for the PUD is approved, and construction work is discontinued for a period of X years or for a longer period as may be agreed to as part of the PUD zoning amendment.
3. At any time, the Zoning Commission may grant an extension to the above stated timeframes for good cause shown.

Section 11.02

PROCEDURE – FINAL DEVELOPMENT PLAN

- A. Final development plans. An application for final development plan review shall include the submission requirements set forth in Section 11.03(C) and shall be submitted for review according to the following. An application for final development plan review shall be required for each phase of development.
- B. Area included in Final Development Plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.
- C. Zoning Commission and Trustee Action: After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within thirty (30) days after the filing of the complete Application and shall give the applicant and all owners of property within, contiguous to, and directly across the street 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 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 Application. The Zoning Commission shall make a recommendation to the Township Trustees on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.

The Harrison Township Trustees, shall upon receipt of such 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. The Trustees can uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Trustees to uphold, modify, or overturn the Zoning Commission's recommendation.

- D. Compliance with current Township-wide standards. In the event development standards or construction standards that apply Township-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Zoning Commission determines that such updated standard(s) will not cause undue hardship.
- E. Zoning permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the zoning permit process, consistent with approval as granted, including any conditions and modifications made by the Zoning Commission. A zoning permit shall not be issued until the appropriate final plat has been recorded. All construction and development under any zoning permit shall be in accordance with the approved final development plan, except as may be permitted in Section 11.02(F). Any unauthorized departure from such plan shall be cause for revocation of the zoning permit. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The Township may require a copy of the recorded document

prior to issuing any construction permit.

F. Modifications to approved final development plans. Requested modifications to approved final development plans shall be reviewed according to the following:

1. Administrative approval. The Zoning Inspector, in administering the approved final development plan and development text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related improvements that are required to correct any undetected errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved final development plan.
 - a. No modifications shall be made that increase the permitted density of development or add to the list of permitted uses.
 - b. Modifications deemed minor may include such changes as:
 - i. Minor adjustments in lot lines provided no additional lots are created and required setbacks are maintained;
 - ii. Minor adjustments in the location of and layout of parking lots provided the perimeter setbacks, yards and buffers are maintained;
 - iii. Minor adjustments in building footprints up to ten percent (10%) in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character or intensity of the use;
 - iv. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
 - v. Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained and approved by the County Engineer.
 - vi. Redesigning and/or relocating landscape mounds, provided that the same level and quality of screening is maintained;
 - vii. Minor modifications to the sign face, landscaping and lighting, provided the other sign requirements of the final development plan are maintained;
 - viii. Minor changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved on the final development plan;
 - ix. Changes required by outside agencies such as the county, state, or federal departments; or
 - x. Other minor modifications deemed by the Zoning Inspector that do not alter the basic design or any specific conditions imposed as part of the original approval.
2. The Zoning Inspector shall report approved modifications to the Zoning Commission. The Zoning Inspector may submit any modification to the Zoning Commission that would otherwise be considered minor if the Zoning Inspector finds that the overall extent and effect of the proposed modification should be reviewed by the Commission.

I. Board of Zoning Appeals variances.

1. Any request for a variation to the development standards text that pertains to an individual one-unit dwelling shall be reviewed as a variance according to the procedures set forth in Article VIII.

J. Zoning Commission approval.

1. Modifications other than those listed in Sections 11.02(I-J) above not determined by the Zoning Inspector to be minor shall be submitted to the Zoning Commission. Modifications may be approved provided the Commission finds that the requested changes are compatible with the surrounding development and that the modifications remain consistent with the preliminary development plan.
2. Any requested changes shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review set forth in Section 11.04(B) of this section. If

approved, those amendments to the final development plan shall supersede the originally approved final development plan.

Section 11.03

SUBMITTAL REQUIREMENTS

- A. Contents of concept plan application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the Zoning Inspector, or designee, to understand the existing site and concept for the proposed development. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted should include the following:
1. Completed application form along with the application fee.
 2. Vicinity map indicating the location of the site in the Township and the general location of principal thoroughfares.
 3. Regional context map. A map indicating the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 4. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and one hundred (100) feet of property immediately adjacent thereto, indicating:
 - a. Existing public improvements, permanent facilities, easements and property boundaries;
 - b. General indication of existing structures on the site and abutting properties;
 - c. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - d. General topography;
 - e. Existing zoning district boundaries and jurisdictional boundaries;
 - f. Surface drainage and areas subject to flooding;
 - g. Existing public and private utility systems;
 - h. Regional transportation system.
 5. The concept plan map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - a. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;
 - b. The location of any lands to be dedicated to any public agency;
 - c. The general circulation pattern;
 - d. The relationship of the proposed project to the surrounding area.
- B. Contents of preliminary development plan application. The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted should include the following:
1. Completed application form along with the application fee. The application shall be signed and notarized.
 2. Vicinity map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, zoning district boundaries, and existing land uses and structures.
 3. Regional context map. A map of the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is 11 inches by 17 inches.
 4. Legal description.

5. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - a. Boundaries of the area proposed for development, dimensions and total acreage;
 - b. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - c. Identification of any existing buildings or structures to be removed or demolished;
 - d. Existing zoning district boundaries and jurisdictional boundaries;
 - e. Existing utility systems and providers;
 - f. The location of existing topography showing contour lines at vertical intervals of not more than five feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over five percent (5%);
 - g. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;
 - h. Delineation of existing drainage patterns on the property;
 - i. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, twenty (20)-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps including rivers and streams and their related river or stream bank, ponds, and water courses and as required by County Flood Damage Reduction.
6. The preliminary development plan map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
 - a. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - b. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - c. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - d. Natural areas and other natural features to be conserved and any required buffer areas;
 - e. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - f. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;
 - g. Space for signatures of the applicant and the Zoning Inspector, Zoning Commission Chair, and the dates of Planning a Commission and Trustees approvals.
7. Preliminary plat, if appropriate, designed in compliance with the subdivision requirements set forth by Pickaway County. The required subdivision information may be included in the preliminary development plan.
8. Architectural drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development.
9. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements, and natural areas.
10. Proposed utilities including the proposed provision of water, sanitary sewer, and surface

- drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability.
11. Traffic study indicating the impact of future traffic on the existing and proposed roadway system, as required by the Township Engineer.
 12. Explanation of relationship of proposed development to existing and future land use in the surrounding area, the street system, community facilities and open space system, services, and other public improvements.
 13. PUD Development Text. The PUD development text identifying the requirements that are to govern the design and layout of the PUD.
 - a. The development standards text shall include signature and date lines for the applicant certifying the text.
 - b. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.
 - c. Any dimensions or other provision that departs from any applicable standards set forth in the Township of Harrison Zoning Code, especially addressing signs, landscaping, appearance, and parking, shall be clearly described.
 - d. Adequate provision shall be made to establish a private organization (i.e., homeowners association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the planned development, and, in such instance legal assurances shall be provided to show that the private organization is self-perpetuating.
- C. Contents of final development plan application. The application shall include the maps, plans, designs, and supplementary documents itemized below. Copies of the maps, plans, designs, and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such, shall be accurate, detailed representations of the total aspects of the approved preliminary development plan. The applicant shall submit a number of copies as determined by the Director of Planning. The information submitted shall include the following:
1. Completed application form along with the application fee.
 2. Vicinity map showing the relationship of the area of the final development plan to the entire Planned Unit Development District and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site;
 3. Regional context map. A map of the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 4. Legal description of the property if a final plat is not submitted. The legal description must include accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments; and be stamped or sealed evidence from a surveyor registered in the State of Ohio or engineer that the monuments actually exist, and that all dimensional and geodetic details are correct;
 5. Final development plan map prepared by a qualified professional such as a licensed architect, surveyor, engineer, or landscape architect, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
 - a. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;
 - b. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;
 - c. The right-of-way lines of adjoining streets and alleys with their width and

- names, and indicating the edge of pavement and centerline;
 - d. All lot lines and easements with their dimensions;
 - e. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - f. Location of existing and proposed structures including fences, walls, signs, and lighting;
 - g. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - h. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - i. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the Township, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of such areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation;
 - j. Space for signatures of the owner, and applicant if different that the owner, and the Zoning Commission Secretary, and the date of Commission approval;
 - k. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities.
6. Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;
7. Additional plans for proposed development.
- a. Topographic maps showing existing and proposed grading contours, water courses, wetlands, flood plains and other flood hazard boundaries and information;
 - b. Landscaping and screening plans as required by Section 19.04(D);
 - c. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average footcandle calculations minimum foot-candles and maximum foot-candles.
 - d. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;
 - e. Architectural plans for the proposed development, showing all exterior elevations, building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development and conformity with applicable appearance standards, prepared by a licensed architect;
 - f. Construction plans for all public improvements, site grading, and required development practices specified by the Township code.
8. Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner.
9. Covenants, easements, and restrictions.
- a. The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.
 - b. For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws, or code of regulations, which shall include

provisions that comply with the following requirements:

- i. Membership in the association shall be mandatory for all purchasers of lots in the development or units in a condominium;
 - ii. The association shall be responsible for maintenance, control, and insurance of common areas;
 - iii. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common facilities, and have the power to place liens against individual properties for failure to pay assessments;
 - iv. The association shall have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common facilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any common recreational facilities, the right to suspend any services provided by the association to any owner, and the right to exercise self-help to cure violations;
 - v. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified;
 - vi. The association shall convey to the Township and other appropriate governmental bodies, after proper notice, the right to entrance to any common facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety, and welfare. The Township shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Township shall have the right to proceed against the association for reimbursements of said costs, including the right to file liens against individual condominium units, houses, and vacant building lots.
10. Modifications. A statement identifying any aspect of the final development plan in which the applicant is requesting a modification from the preliminary development plan, pursuant to Section 11.02(F).
 11. Updated existing conditions. An updated/revised map of existing conditions indicating all changes since the map was submitted with the preliminary development plan.
 12. Table of contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing).

Section 11.04

PLAN APPROVAL CRITERIA

- A. Preliminary development plan. In the review of proposed planned developments, the Zoning Commission and Township Trustees shall determine whether the preliminary development plan complies with the following criteria. In the event the Zoning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Zoning Commission shall disapprove the application:
 1. The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
 2. The proposed development advances the general welfare of the Township and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
 3. The proposed uses are appropriately located in the Township so that the use and value of property within and adjacent to the area will be safeguarded;
 4. Proposed residential development will have sufficient open space areas;
 5. The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;

6. Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
 7. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
 8. The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PUD and the larger community;
 9. The density, building gross floor area, building heights, setbacks, distances between buildings and structures, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the Township;
 10. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
 11. The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Unit Development District regulations;
 12. The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the Township;
 13. The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
 14. The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;
 15. The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.
- B. Final development plan. In the review of proposed PUD developments, the Zoning Commission shall determine whether the proposed development, as depicted on the final development plan, complies with the following:
1. The plan conforms in all pertinent respects to the approved preliminary development plan provided however, that the Zoning Commission may authorize revisions to said plans in accordance with Section 11.02(F).
 2. Adequate provisions are made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
 3. The development has adequate public services and open spaces;
 4. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
 5. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
 6. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PUD and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
 7. The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;

8. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters;
9. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage;
10. The project appears to comply with all other local, state, and federal laws and regulations.

PART TWO
ZONING DISTRICTS

ARTICLE XII

RULES OF APPLICATION

Section 12.01 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XIII, are hereby established, and adopted.

Section 12.02 Rules of Application

12.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

12.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
 - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
 - 2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 12.02.05 of this Article.
- B. In no case shall there be more than one (1) principal building used for residential purposes on any single lot of record.

12.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of this Resolution.

12.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent, and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and

future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

12.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered a similar use and a permitted use in that district

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district to find that a use is similar, the Board shall find that all the following conditions exist.

- A. Such use is not listed as a permitted or conditional use in another zoning district
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

12.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

ARTICLE XIII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 13.01 Zoning Districts Established

- Rural Residential RR
- Planned Suburban Residential and Mixed Use (SRM)
- Planned Business (PBD)
- Rickenbacker Business Development (RBD)
- Planned Unit Development (PUD)

Section 13.02 Official Zoning Map

The districts established in Section 13.01 are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries, and other explanatory information, are adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Clerk and shall be on file in the Township offices.

Section 13.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams, and railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

ARTICLE XIV
COMBINED USE TABLE AND DEVELOPMENT STANDARDS TABLE

Section 14.01 Combined Use Table

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Agriculture (Exempt per ORC 519.21)					
Accessory Dwelling Unit (Subject to ARTICLE XXIII)	C	P			P
Accessory Structures, subject to ARTICLE XXIV. Cargo Containers on residential property also subject to Section 33.04.	A	A	A	A	A
Adult Entertainment (Subject to ARTICLE XXI)				P	
Adult Family Home	P	P	P		P
Adult Group Home	C	P	P		P
Advanced Manufacturing				P	
Agritourism	C				P
Animal Service Facilities	C	P	P	P	P
Automobile Oriented Uses (includes gas stations, and quick lube facilities)			P		P
Automobile Repair			P		P
Bank, with Automobile Oriented Uses			P	P	P

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Bank, without Automobile Oriented Uses			P	P	P
Bed and Breakfast Facilities	C		P		P
Biotechnology				P	
Body Art Establishments			P	P	P
Business, Retail Large			P		P
Business, Retail Medium			P	P	P
Business, Retail Small (No Automobile Oriented Uses)			P	P	P
Cemetery	C		P		P
Commercial Recreation Facilities, Large			P	P	P
Commercial Recreation Facilities, Outdoor			P	P	P
Commercial Recreation Facilities, Small			P	P	P
Communication Facilities and Utility Sub Station			P	P	P
Contractor Office			P	P	P

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Data Processing Center				P	P
Day Care Centers	C	P	P	P	P
Dwelling, Multi-Family (four or more units per building)					P
Dwelling, One Unit	P	P			P
Dwelling, Row Houses, Townhomes (up to four units per building)					P
Dwelling, Studio, One or Two Bedroom Units			P (upper floors only)		P
Dwelling, Two Unit		P			P
Equipment Repair, Large			P	P	P
Equipment Repair, Small			P	P	P
Flex-Office - Retail			P	P	P
Flex-Office - Warehouse			P	P	P
Flood Control Projects	P	P	P	P	P
Food Truck/Trailer, in accordance with Section X	P	P	P	P	P
Funeral Service Facilities			P	P	P

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Golf Courses and Country Clubs	C	P			P
Health Care Facilities		P	P	P	P
Heavy Manufacturing				P	
Home Day Care Family, Large	C	P	P		P
Home Day Care Family, Small	P	P	P		P
Home Occupations, Major	C	P	P		P
Home Occupations, Minor	P	P	P		P
Hotels/Motels			P	P	P
Individual Small Wind Turbine Systems (See Section 34.02)	C	P	P	P	P
Institutional - Art Galleries, Libraries, and other similar uses		P	P		P
Kennel	C				P
Landscape and Hardscape Businesses	C			P	P
Logistics			P	P	
Lumberyard			P	P	P
Machine Shop			P	P	P
Maker Space, Large				P	P
Maker Space, Small				P	P

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Small Manufacturing				P	
Mixed Use Building			P		P
Nursery School			P		P
Offices, Large administration, business medical or professional			P	P	P
Offices, Small administration, business medical or professional			P	P	P
Outdoor Service Facilities		P	P	P	P
Park, Community or Regional	C	P	P		P
Park, Neighborhood	P	P	P		P
Permanently Sited Manufactured Homes (on permanent foundation)	P	P			P
Personal Services			P	P	P
Places of Assembly, Large	C	P	P	A	P
Places of Assembly, Small	C	P	P	A	P

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Public Parking Facility / Park and Ride			P	P	P
Quarry	C		C		
Research and Development			P	P	P
Residential Care Facility			P		P
Residential Facility, Large	C	P	P		P
Residential Facility, Small	P	P	P		P
Restaurants with Automobile Oriented Uses				P	P
Restaurants without Auto Oriented Uses		P	P	P	P
School, High or Technical	C	P	P		P
School, Post Secondary	C	P	P		P
School, Primary, Intermediate, or Middle	C	P	P		P
Self-Storage Facilities			P		P
Individual Solar Facility, Ground Mounted	C	P	P	P	P
Small Solar Facility, Ground Mounted (see Section 31.03)	C	P	P	P	P
Small Solar Facility, Roof Mounted	P	P	P	P	P
Industrial Solar Facility	Industrial Solar Facilities are exempt from township zoning per ORC 519.213. These facilities are regulated by the Ohio Power Siting Board.				

Use	Rural Residential (RR)	Planned Suburban Residential and Mixed Use (SRM)	Planned Business (PBD)	Rickenbacker Business Development (RBD)	Planned Unit Development (PUD)
Temporary Structure, Construction Trailer Office, subject to ARTICLE XXXIII	C	P	P	P	P
Truck and Travel Service Centers			P		P
Vehicular Sales, Equipment					P
Vehicular Sales, Motorcycles			P		P
Vehicular Sales, New and Used Cars			P		P
Vehicular Sales, Recreational Vehicles			P		P
Water Conservation Projects	P				
Water, Wastewater, Transportation and Other Governmental Services			P	P	P
Watershed Protection Projects	P				
Wind Energy Conversion System, Individual	P	P	P	P	P
Wind Farm, Small	C	P	P	P	P
Wind Farm, Industrial	Industrial Wind Farms are exempt from zoning per ORC 519.213. These wind farms are regulated by the Ohio Power Siting Board.				
Woodlots and Timber Harvesting	P				

ARTICLE XV

(RR) Rural Residential

Section 15.01 Purpose

The Rural Residential District is established to secure the continuance of agricultural activity in Harrison Township and protect streamside and groundwater quality and other physical resources of lands most suitable for farming. This district intends to protect and stabilize the agricultural economy by controlling uses that are incompatible with farming. Consequently, residential uses are controlled, and future residents of this district must be willing to accept the impacts associated with normal farming practice.

Section 15.02 Permitted, Accessory, and Conditional Uses

See Combined Use Table in Section 14.01.

Section 15.03 Development Standards

In feet unless noted	Rural Residential (RR)
Lot area (min.)	1.5 acres or as required by the Health Department
Lot Width (min.)	150
Front Setback (min.)	130 from centerline of the road 100 feet from the right-of-way line
Side Setback (min.)	20
Rear Setback (min.)	30
Height (max.)	35

Section 15.04 Agricultural Nuisance Disclaimer

Lands within the Rural Residential District are located within areas where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience, injury and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of property within the AL District should be prepared to accept such inconvenience, injury and/or discomfort.

ARTICLE XVI

PLANNED SUBURBAN RESIDENTIAL AND MIXED-USE DISTRICT (SRM)

Section 16.01 Purpose

The Planned Suburban Residential District (SRM) is established to allow for a diversity of housing opportunity and choice within Harrison Township by providing areas for alternative forms of residential development, including higher density housing and low-intensity uses like restaurants without automobile-oriented uses and daycare centers. The SRM District may be used in those cases where particular and specific conditions warrant the creation of homesites at higher densities than those allowed under Rural Residential (RR) standards. Harrison Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement, and land use compatibility. The higher residential densities allowed in the SRM District mean that the district is to be used in areas served by central water and sewer systems, which are required to be in place before approval.

Section 16.02 Permitted and Accessory Uses

See the “Combined Use Table” in Section 14.01.

Section 16.03 Development Standards

A. Tract and Open Space

1. The tract area of development per application shall be at least ten (10) acres.
2. At least twenty percent (20%) of the entire tract per application shall be utilized for open space, for natural features such as forests, floodplains, wetlands, and similar open spaces.
 - a. These open spaces shall be limited to as resource protection or public use (such as through public schools or parks).
 - b. Except for public schools, public park accessories, and approved roads and utilities, no buildings shall be permitted in these open space areas.
 - c. Areas that shall not be considered open space include:
 - i. Private and public roads and rights-of-way;
 - ii. Parking lots, ways, and driveways;
 - iii. Setback areas;
 - iv. Private yards;
 - v. Small, isolated areas that include a dimension less than seventy-five (75) feet in any direction.

B. Lot Sizes, Building Dimensions, Setbacks, and Height

1. The lot sizes, building dimensions, and setbacks shall follow the values as listed and approved in the development plan.

2. The maximum building height shall be established with the approved Preliminary Development Plan, but in no case shall a building exceed forty-five (45) feet in height.

C. Density

The density of residential dwelling units shall not exceed two (2) dwelling units per acre. The density of residential uses shall be established by Preliminary Development Plan approved by the Board of Township Trustees.

D. Architecture

All architectural designs and aesthetics shall comply with the Preliminary Development Plan approved by the Board of Trustees.

E. Protection of Cultrual Resources

The proposed development shall identify all culture features such as historic structures or places (Registered on the National Register of Historic Places), archaeological sites, or other similar heritage resources. These areas shall be protected to the greatest extent possible as determined by the Zoning Commission.

F. Landscaping

Landscaping plans shall follow the terms listed and approved in the Preliminary Development Plan. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space, or area. All lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.

G. Parking

The Preliminary Plan approved by the Board of Trustees shall establish the minimum parking requirements for all uses.

H. Lighting

All lighting shall comply with the approved Preliminary Development Plan.

I. Signs

All signs shall comply with the Preliminary Development Plan approved by the Board of Trustees.

J. Utilities, Water, and Drainage

All Utilities, Water, and Drainage shall comply with the applicable county regulations.

K. Fences

All fences shall comply with the Preliminary Development Plan approved by the Board of Trustees.

K. Accessory Structures

All accessory structures shall comply with the Preliminary Development Plan approved by the Board of Trustees.

Section 16.04 Other Conditions

The Zoning Commission and Township Board of Trustees may impose additional conditions relating to the development regarding the type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristic.

ARTICLE XIX

(PBD) PLANNED BUSINESSPLANNED BUSINESS DISTRICT

Section 17.01 Purpose

The Planned Business District (PBD) is established to provide for business activity in locations where such activity as permitted in the other districts may be inappropriate. PBD will permit the property owner to design a business environment for their general objectives.

Section 17.02 Permitted and Accessory Uses

See the “Combined Use Table” in Section 14.01.

Section 17.03 Development Standards

A. Lot Coverage

1. The tract area of development per application shall be at least five (5) acres.
2. The maximum lot coverage shall not exceed seventy-five percent (75%).

B. Lot Sizes, Building Dimensions, Setbacks, and Height

1. The lot sizes, building dimensions, and setbacks shall follow the values as listed and approved in the Preliminary Development Plan. In cases where there is an adjacent lot with an existing residential structure, the minimum setback from said lot line shall be sixty (60) feet for buildings and fifty (50) feet for pavement, unless the Zoning Commission otherwise determines that existing natural features will provide an adequate buffer allowing a reduction from these setbacks.
2. The maximum building height shall be established with the approved Preliminary Development Plan, but in no case shall a building exceed sixty (60) feet in height.

C. Density

The density of residential dwelling units shall not exceed eight (8) dwelling units per acre. The density of residential uses shall be established by Preliminary Development Plan approved by the Board of Township Trustees.

D. Architecture

All architectural designs and aesthetics shall comply with the Preliminary Development Plan approved by the Board of Trustees.

E. Landscaping

Landscaping plans shall follow the terms listed and approved in the Preliminary Development Plan. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space, or area. All lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.

F. Parking

The Preliminary Plan approved by the Board of Trustees shall establish the minimum parking requirements for all uses

G. Lighting

All lighting shall comply with the approved Preliminary Development Plan.

H. Signs

All signs shall comply with the approved Preliminary Development Plan.

I. Utilities, Water, and Drainage

All Utilities, Water, and Drainage shall comply with the applicable county regulations.

J. Fences

All fences shall comply with the approved Preliminary Development Plan.

K. Accessory Structures

All accessory structures shall comply with the Preliminary Development Plan approved by the Board of Trustees.

L. Fire and Explosive Hazards and Air Pollution

All activities regarding fire, flammable explosives, hazardous materials, air emissions, pollutants, and similar materials shall not violate any county, state, or national regulations.

Section 17.04 Other Conditions

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

ARTICLE XVIII RICKENBACKER BUSINESS DEVELOPMENT DISTRICT (RBD)

Section 18.01 Purpose

Portions of Harrison Township are within existing Joint Economic Development Districts (JEDDs) and are subject to unique business development opportunities related to the Rickenbacker Global Logistics Park (RGLP). The RBD District is specifically designed for the specific needs of these areas. The purpose of the RBD District is to encourage industrial, commercial, and business growth within these areas while addressing potential impacts of such development on adjacent and proximate Harrison Township residents.

Section 18.02 Permitted and Accessory Uses

See Combined Use Table in Section 14.01.

Section 18.03 Development Standards

The development plan shall incorporate the following standards for all uses:

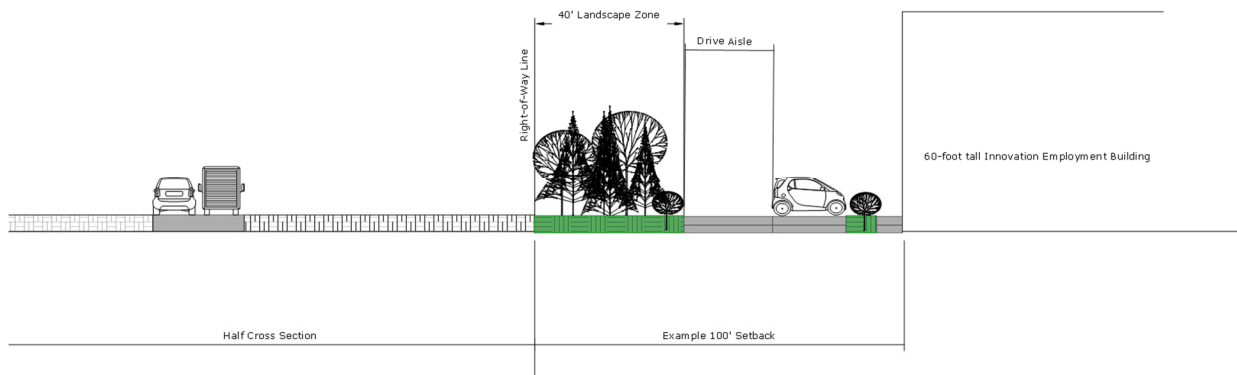
Development Standard	RBD
Minimum Tract Size Per Application	5 acres
Minimum Lot Size	N/A
Minimum Lot Width	At least ½ of lot depth
Minimum Building to Lot Width Ratio	N/A
Minimum Building Setback from Arterial	100 feet
Minimum Building Setback from Collector Road Right-of-Way Line	100 feet
Minimum Building Setback from Local Road Right-of-Way Line	100 feet
Minimum Rear Building Setback	60 feet*
Minimum Side Building Setback	60 feet*
Maximum Building Height**	60 feet
Maximum Lot Coverage	80 percent

*Parking may encroach a front, side or rear setback, but the pavement shall be no closer than 15 feet from the applicable front, side, or rear lot line. If said parking area abuts an existing residential district, the pavement shall be no closer than 50 feet from the lot line of the abutting residential district.

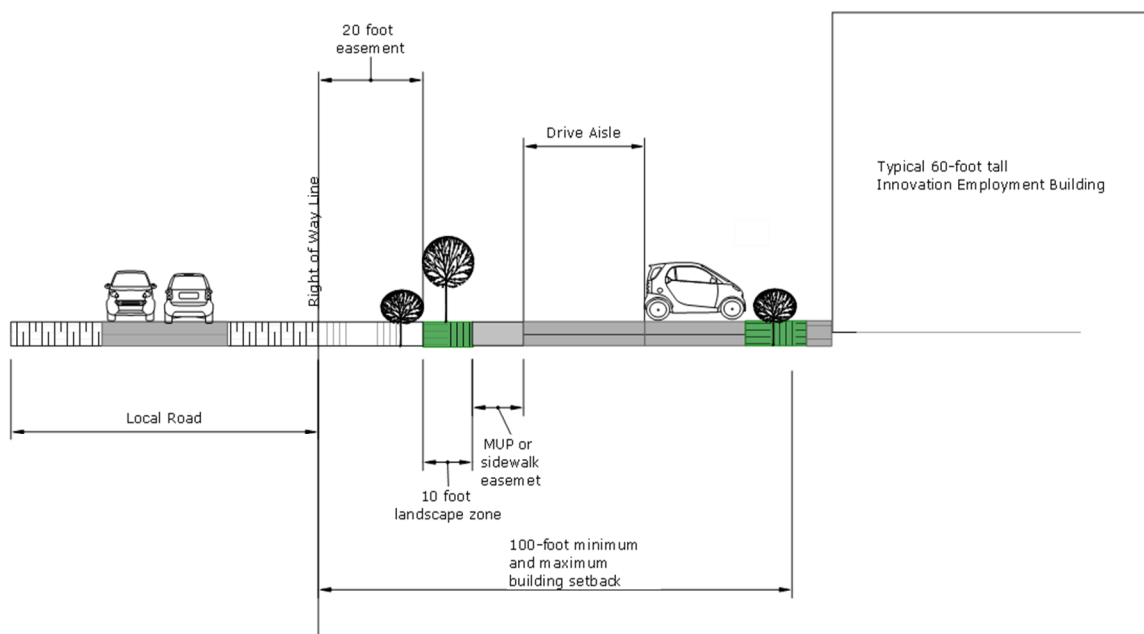
**Mechanical and HVAC units may extend above the maximum building height by ten (10) feet provided such units are screened in accordance with Section 18.06C. This applies to all uses.

The following cross sections and exhibits illustrate the minimum setbacks along each road classification.

Example Arterial



Example – Local or Collector



Section 18.04 RBD General Development Standards

The general development standards of Section 18.04 shall apply to all new developments, redevelopments, additions, Accessory Structures, and major site modifications for all uses including, but not limited to, commercial, office, industrial, institutional, religious, governmental, mixed use, and

multi-family residential. These general development standards ensure consistency and quality throughout ARTICLE XVIII and each Parcel's development.

Section 18.05 Architectural Requirements

All buildings 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 or principal structure. The following standards shall also apply to structures for the following uses:

A. Building Design:

1. Any building fronting on a Collector or Local Road shall be designed to appear as the front façade.
2. Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every one-hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way. Typical design elements are as follows:
 - a. A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Board of Trustees, as applicable;
 - b. A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 - c. Portico;
 - d. Dormers;
 - e. Projecting canopy;
 - f. Masonry water table;
 - g. Trellis containing plantings;
 - h. A gabled vent of at least four (4) square feet in area;
 - i. Patio, deck, or similar feature; or
 - j. A similar significant permanent architectural feature consistent with the style of the building upon approval of the Board of Trustees as applicable.
3. All elevations shall have similar style, materials, colors, and details.
4. Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met by utilizing bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.

B. Building Materials.

1. All exterior walls shall be constructed predominately of precast concrete, brick, or Architectural CMU.

2. Precast systems shall be light in color and limited to integrally colored precast, painted or stained precast panels. No raked concrete panels will be permitted. Tilt up concrete panels with accent bands will be permitted. Tilt-slab concrete buildings shall have no greater than ½" exposed aggregate (which applies to all concrete surfaces). Tilt-slab construction walls may have no more than 300 square feet of surface without reveals. Applied paint and stains must be consistent with the architectural finish of the building.
3. Masonry Units. Masonry products shall include integrally colored split face units, painted, or stained split face units or brick. No standard concreted units shall be permitted. Glazed brick and glazed tile shall only be used for accent and fine details. Smooth finished blocks shall be prohibited.
4. Corrugated metal systems are prohibited.
5. EIFS or synthetic stucco may only be utilized at eight (8) feet above finished grade or higher. All finishes and color of EIFS shall coordinate with the overall building design.

C. Roofs.

1. Flat roofs shall be standing seam, built up, ballasted, fully adhered, and mechanically fastened EPDM or other membrane roof system. No shingles, including concrete, slate, asphalt, wood, asbestos, or clay shall be permitted.
2. Pitched roofs may be permitted for buildings less than 10,000 square feet in area. When a flat roof is permitted, asphalt shingles or standing seam metal shall be permitted.

D. Exterior Canopies and Entrances.

All exterior canopies and entrance features on a single building shall be consistent color scheme (i.e., each entrance may have more than one color, but each entrance must be the same). The color(s) selected for the entrance canopies shall be a brighter hue than the field colors and shall serve as a complementary accent to the general building design. Loading dock canopies shall be painted to match the entrance features canopies or painted to match the wall field color to which it is attached.

Section 18.06 Landscaping: Buffering, Landscaping, Open Space and Screening

A. All Uses: The following requirements apply to all Uses:

1. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
2. All trees required by these Section 18.06 Landscaping Development Standards, or other applicable standard, shall meet the following minimum tree sizes at the time of planting:



Example: Street Trees

<u>Tree Type</u>	<u>Minimum Size at Time of Planting</u>
Deciduous Trees	2-inch caliper
Coniferous	5 feet in height

3. The following types of undesirable trees shall be prohibited:
 - a. Callery Pear (*Pryus calleryana* – *any cultivar*)
 - b. Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
 - c. White Mulberry – (*Morus alba*)
 - d. Russian Olive – (*Elaeagnus angustifolia*)
 - e. Autumn Olive – (*Elaeagnus umbellate*)
4. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
5. When a property is subject to FAA regulations and there this a conflict between these landscaping requirements and FAA regulations, then the FAA regulations shall take precedence.
6. 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.
7. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. In addition to the above standards, the following regulations shall apply:

1. Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.

2. Parking Island Landscaping. All parking islands required in Section 18.07(B)(1) 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.



Examples: Parking island

3. Right-of-Way – Setback Landscape Zone. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be a landscape zone that complies with the following:

a. Arterial – Right-of-Way Landscape Zone shall:

- i. Be a minimum of forty (40) feet in width.
- ii. Include a cluster of the following trees at 100-foot intervals for the entire frontage that includes a minimum of three (3) coniferous trees and (2) deciduous trees.



b. Collector and Local Road Setback Landscape Zones shall:

- i. Be a minimum of ten (10) feet in width and contain deciduous trees every thirty (30) feet on center.

4. Screening Between Uses. A continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. Mounding and fencing can only be utilized in addition to and not in lieu of the planting hedge and tree combination.

C. **Mechanical Equipment, Production Storage and Service Areas, Trash Containers, Loading Zones.**

The following regulations apply to all Uses:

1. Mechanical Equipment. All external mechanical equipment, including generators, shall be screened from adjacent existing or planned public rights-of-way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.

2. Service Areas, Production areas, Service areas, Storage Areas, On-Site Trailer Storage Areas, Container Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the building, except however, these areas are prohibited along a side of a building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public rights-of-way and private streets.
3. Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
4. 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 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. 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.

Section 18.07 Parking

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.

- A. Parking Lot Location: All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
 1. Parking lots, when possible, should be located to the side or rear of the principal building. Parking may encroach a right-of-way setback line, but in no case shall parking be less than forty (40) feet from the road right-of-way line.
 2. 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 lines, except in cases where the Board of Township Trustees determines that parking lots need to straddle internal lot lines to comply with the connectivity requirements of Section 18.08(E). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one-hundred feet from a side or rear lot line, if such lot line abuts an existing or proposed single family residential use.

- B. Parking Bays:** No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of forty-eight (48) parking spaces. There shall be a maximum of twenty-four (24) spaces in a single row.
1. 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.
 2. Parking Lot Screening: All parking lots shall be screened in accordance with Section 18.06(B)(1).
 3. Number of Parking Spaces: Every Development Plan within the RBD shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within Section 29.06 of the Township Zoning Resolution.
 4. Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
 5. All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly and shall be served by aisleways of a minimum of twenty-four (24) feet in width to permit easy and smooth access to all spaces.
 6. All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Board of Trustees provided they meet the requirements of the Fire Department and mechanisms for long term maintenance are provided. The use of gravel for parking lots shall be prohibited.
 7. Loading Spaces:
 - a. All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 18.06(C) and are prohibited within any Right-of-Way Setback.
 - b. A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
 - c. All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
 - d. A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.
 - e. The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:

Required Loading Spaces by use and size:	
Use	Number of Loading Spaces
Office, Hotel, Daycare and Car Rental	
20,000-99,999 SF	1
100,000-349,999 SF	2
350,000 SF or more	3
Advancing Manufacturing, Ag-technology, Biotechnology, Manufacturing, Logistics and other similar uses.	
5,000-9,999 SF	1
10,000-29,999 SF	2
30,000-89,999 SF	3
90,000-149,999 SF	4
150,000-249,999 SF	5
250,000 SF or more	5 plus 1 per each additional 80,000 SF

Section 18.08 Access, Connectivity and Visibility

- A. Access: All access points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On township roads, the minimum spacing between driveways shall be determined by the County Engineer.
- B. Fire Trucks: All buildings must provide space for 360-degree access for fire trucks and shall also comply with the currently adopted Harrison Township Fire Department Fire Protection Requirements for New Construction.
- C. Visibility: Visibility at intersections shall comply with Article XXXV of this Resolution.
- D. 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 (at the rear of the property or running parallel to an existing/proposed public road) and/or the use of cross access easements between parking lots. The Board of Trustees may rely upon recommendations from the County Engineer or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each development.
 1. If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of 200 feet between intersections. A greater distance may be required upon recommendation by the County Engineer or a consulting engineer to avoid safety concerns.
 2. Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.

Section 18.09

Lighting

- A. All lighting shall comply with Article XXXII or FAA requirements, whichever is more stringent.
- B. Regarding any development that abuts a property zoned for single family residential purposes (including abutting properties within the RBD overlay that haven't pulled down the cloud and are following the underlying zoning district): 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 and security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut off fixtures, auto dimming to adjust lighting based on ambient lighting and the use of as little light as necessary without creating safety issues is encouraged.

Section 18.10

Signs

All signs shall comply with Article XXX.

Section 18.11

Utilities, Water and Drainage

- A. All developments shall be served by central water and sewer systems. Bioretention basins, or rain gardens, may be used only when approved by the Township. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the County Subdivision Regulations, the County Soil Erosion and Stormwater Regulations, the Rickenbacker Regional Drainage Study (signed November 2, 2005), any applicable requirements of the County Engineer, and any applicable FAA requirements.
- B. A comprehensive regional stormwater plan for each sub area is encouraged.

Section 18.12

Accessory Structures

Accessory Structures for all uses' shall be identified on and constructed in accordance with an approved Development Plan. Accessory Structures must comply with the architectural requirements in Section 18.05 and all Setback requirements.

Section 18.13

Fences and Retaining/Decorative Walls

- A. All fences within the RBD shall comply with the following requirements:
 - 1. No fence shall exceed 10 feet in height and shall be a minimum of 5 feet from any vehicular pavement area.
 - 2. All chain link fencing shall be black PVC coated, RVG, or painted black. Cast iron and pre-finished aluminum fencing or other metal features shall be black.
 - 3. Barbed wire and razor fences are not permitted.

- B. All retaining/decorative walls shall comply with the following requirements:
 - 1. Exposed concrete block is not permitted. Walls shall be constructed with stone, brick or masonry material that matches the building in color, design, and durability.
 - 2. Vegetation may be utilized as natural wall

Section 18.14 Storage Tanks and Fueling Areas

Storage tanks and fueling areas that are associated with a permitted use and required for the operation and maintenance of a property shall be permitted provided such tanks comply with the following criteria:

- A. Above ground storage tanks and above ground water storage tanks shall: be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves.
- B. Fueling areas and canopies shall: be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves. Roof colors, parapet and all exposed trims shall match the main building structure. All lighting shall be recessed under the canopy. No signage or graphics shall be permitted on the canopy.

ARTICLE XIX

PROCEDURES FOR PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Section 19.01 GENERAL PROVISIONS AND PURPOSE

The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that the traditional zoning districts may not include. These regulations are based upon the premise that the ultimate quality of the built environment is determined not by the compatibility of uses, but how uses are appropriately integrated together through character type and design standards. This District is intended for large scale developments and aims to:

- A. Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications.
- B. Allow the creation of development standards that respect the unique characteristics, natural quality, beauty of the immediate vicinity, and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.
- C. Enable greater review of design characteristics to ensure the development project is appropriately integrated into its surroundings.
- D. Pursue the housing and economic development goals of the Township.
- E. Encourage innovative architecture.
- F. Establish objective criteria for development plan review that ensure conformity to community and development standards and allow for consistent treatment throughout.
- G. Support the proper relationships between buildings, developments and structures and the land.
- H. Encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features, and providing for various building styles, types, and uses.

Section 19.02 CONFLICT

Whenever there is a conflict or difference between the PUD development text approved by ARTICLE XI and other sections of the Township of Harrison's Zoning Resolution, the provisions of the approved development text shall prevail for the development of land within the PUD District. Subjects not addressed within the approved development text shall be governed by the respective provisions found elsewhere in the Harrison Township's Zoning Resolution. Unless otherwise stated and varied in the approved PUD development text, the standards in the Harrison Township Zoning Resolution that pertain to the specific uses or land development in the PUD shall be applicable. Such standards include, but are not limited to, the Minimum Project Areas of Ownership and Sections 21.03-21.04.

Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD District unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A preliminary development plan approved under these regulations for a PUD shall be binding upon the owners, their successors, and assigns. The preliminary development plan shall also limit and control the issuance and validity of all zoning clearance permits.

Section 19.03 PERMITTED USES

Permitted use within a PUD may include any combination of uses when such use(s) are found that they can be appropriately integrated into an overall design that maintains the intent of these general development criteria, provided the proposed location of the uses will not adversely affect adjacent property, or the public health, safety and general welfare.

- A. The list of specific uses to be included in the proposed PUD shall be clearly delineated in the preliminary development plan, the zoning text, and its supporting documentation.

- B. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.
- C. Any listed use shall be limited to areas delineated in the preliminary development plan.

Section 19.04 PLANNING AND DEVELOPMENT PRINCIPLES

The PUD zoning text shall create development standards designed according to the following planning and development principles.

- A. Arrangement of use areas.
 - 1. Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
 - 2. Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
 - 3. Buildings, structures, and parking areas shall be designed and located within the PUD to conserve environmentally sensitive or unique natural, historical, or cultural features while minimizing environmental impacts.
 - 4. All areas shall be arranged so that all commercial buildings have 360-degree access for fire trucks and shall also comply with the currently adopted Harrison Township Fire Department Fire Protection Requirements for New Construction.
 - 5.
- B. Arrangement of buildings and yards.
 - 1. The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PUD and adjacent to it.
 - 2. Minimum lot size, width, and front, side and rear yard setbacks should be clearly denoted by subarea.
 - 3. The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).
- C. Density. The density of residential areas within a PUD shall be specifically defined within the PUD text.
- D. Landscaping, screening, and buffering.
 - 1. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses.
 - 2. Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.
 - 3. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
 - 4. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- E. Open space. Adequate open spaces shall be integrated throughout the development as follows
 - 1. Open space shall be sufficiently aggregated to create large useable areas of planned open space.
 - 2. Open space shall conserve significant natural features within the PUD to the extent practicable.
 - 3. Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
 - 4. All open space shall be easily accessible to residents of the PUD.
 - 5. Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.

- F. Protection of natural features.
1. Trees shall be preserved, protected, and replaced whenever practical as determined by the Zoning Commission.
 2. A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.
 3. Floodplains shall be protected in compliance with the Pickaway County Flood Damage Prevention Regulations.
 4. Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than 20 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.
- G. Pedestrian circulation systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect the neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should also be incorporated in the pedestrian circulation system.
- H. Bike paths and other trail systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the Township's plan for bike paths. Such trail system shall have a minimum width of ten (10) feet and be properly buffered from any adjacent residential areas. Protected bike lanes, where appropriate as determined by the Zoning Commission, may also be utilized to meet this requirement.
- I. Street design and vehicular circulation.
1. The proposed vehicular circulation system shall provide adequate connections to the existing street network.
 2. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
 3. Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
 4. The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, and the intensity of proposed uses.
 5. Private streets that utilize a common easement may provide access to clustered lots and/or structures.
 6. Street lighting and street signs shall be adequate for safety and security.
 7. The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with these requirements and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.
 8. The design and location of the storm water management for streets and parking areas shall comply with the requirements of the County Engineer.
- J. Off-street parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development. The number of minimum parking space requirements shall comply with Section 29.06, unless the approved development text states otherwise.
- K. Signs. All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color, and illumination.
1. A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall

include the design, layout, and dimensions of all ground, window, canopy, awning, projecting, and wall signs as well as distances from rights-of-way and the type and intensity of illumination.

2. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
 3. The overall design and placement of buildings should consider the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD.
 4. Ground signs should be designed to relate to and share common design elements with the building.
 5. The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.
- L. Utilities. The applicant shall provide and construct on-site and offsite water, sewer, and other infrastructure improvements for the PUD in accordance with, any agreements submitted as supporting documentation for the PUD. (add sewer provision?)
- M. Project phasing. If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent any adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project.
- N. Common facilities. Common facilities and park areas, regardless of ownership, require maintenance. Adequate access to these facilities for vehicular traffic shall be provided at all times so that fire, police, health, sanitation, and other public utility vehicles can serve the area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

PART THREE

GENERAL DEVELOPMENT STANDARDS

ARTICLE XX

Dimensions and Residential Standards

Section 20.01

Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

Section 20.02

Front Yards

A. Front Yard Measurements

Front yard depth shall be measured from the centerline of the adjacent highway or road or the right-of-way line to the building line, unless otherwise indicated in this Resolution.

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B. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both roads.

Section 20.03 Side Yards

Side yard width shall be measured from the nearest side lot line to the building line.

Section 20.04 Rear Yards

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

Section 20.05 Yard Requirements

All front, side and rear yards shall be maintained in a neat and orderly state and be kept free of any trash, junk, or debris.

Section 20.06 Open Porches and Architectural Features

In a residential district, an open, uncovered porch, deck, or terrace and/or cornices, canopies, eaves, pilasters, sills, or other similar architectural features may project into a required side or rear yard, as established in the district, not more than ten (10) feet.

Section 20.07 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a primary structure. Barns, silos, grain handling conveyors are similarly exempt. No windmills, aerials, antennae, flag poles or towers 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.

Section 20.08 Drainage

All construction shall be accomplished in a manner consistent with maintenance of proper drainage. In all improvements, every effort shall be made to ensure that proper drainage (surface and subsurface) on the subject property and adjacent properties is maintained.

To preserve proper drainage and prevent surface flooding, the filling of established roadside ditches is strictly prohibited, unless specific written approval is obtained from the Township Trustees.

Section 20.09 Driveways

All driveways serving any residential structures must comply with the following standards:

- A. The driveway shall not have a grade, as measured from the pavement level of the roadway to the residential structure, exceeding eight percent (8%). No portion of the driveway shall have a grade exceeding ten percent (10%).

- B. The entrance to the driveway from the public roadway shall be designed to prevent surface runoff from the driveway from flowing onto the public roadway.
- C. If any driveway crosses a drainage swale, stream, or ditch, same shall be bridged by a pipe or structure as required to permit the unobstructed flow of surface water as generated by the five (5) year frequency storm. The pipe shall extend not less than three (3) feet beyond the toe of the slope of the fill over such pipe, unless a properly designed headwall is installed. Any such bridge or structure spanning a stream or ditch shall be designed to HS 15 loading. The Township reserves the right to require the applicant to provide certification by a Professional Engineer that such standards are met.
- D. All new residential driveways shall conform to the driveway standards as adopted by the Pickaway County Engineer and the Harrison Township Board of Trustees, as may be subsequently amended.

Section 20.10 Private Swimming Pools

A "private swimming pool" shall be as defined in Article II, Definitions.

Such private swimming pools, as defined above, shall be allowed as an accessory use in any residential district. A zoning certificate shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed, and maintained in conformance with current building code requirements.

Section 20.11 Lakes and Ponds

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. A zoning certificate shall be required for the construction and installation of a lake or pond when the normal high water surface area of the body of water exceeds one hundred (100) square feet. In addition, such lakes and/or ponds shall meet the following requirements:

- A. The lake and/or pond shall be located not less than sixty (60) feet from any property line, residential structures, leach field, and secondary leach field.
- B. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach field site(s).
- C. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District.
- D. Lakes or ponds located in the SR District, when constructed for water retention and/or detention purposes, shall be subject to a detailed plan for the lake or pond approved by the County Engineer.

Section 20.12

Field Tiles

All Zoning Permits are issued to a Responsible Party as defined in Section XX. If the Responsible Party disrupts any subsurface field tile during the construction of any new buildings associated with an approved Zoning Permit, the Responsible Party shall repair and/or replace the field tile to the satisfaction of the Zoning Inspector prior to continuing any work associated with the approved Zoning Permit.

Section 20.13

Fences and/or Hedges in Particular Districts

Unless otherwise indicated, the provisions of this Section shall apply only to non-agricultural fences and/or walls in the SR District. "Fence" is defined in Article II, Definitions.

- A. In the above districts, a fence not exceeding seventy-two inches (72") in height may be erected in any portion of the lot except beyond the front plane of the dwelling. A fence or wall not exceeding forty-two (42) inches in height may be erected beyond the front plane of the building. A fence or wall not exceeding forty-two (42) inches in height may be erected on any vacant lot.
- B. No person shall erect or maintain any fence or wall charged with electrical current nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges in the SRM District.
- C. No fence, hedge, or wall shall be erected on any lot in any district in such a manner to effectively limit the vision of motorists approaching a street intersection.
- D. No fence, hedge, tree, or shrub shall be planted on any lot in any district which will interfere with any drainage tile. No fence, hedge, tree, or shrub shall be planted on any lot in any district within any roadway right-of-way.

ARTICLE XXI

ADULT ENTERTAINMENT FACILITIES

Section 21.01 Purpose

The purpose of this Article is to promote the public health, safety, and welfare of the residents of Harrison Township through the regulation of adult entertainment facilities by prohibiting the establishment of such facilities within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks, and playgrounds in the township.

Section 21.02 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
- B. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental of books, magazines, other periodicals, motion pictures, and other forms of video characterized by "specified sexual activities" as defined below.
- C. "Adult Motion Picture Theater" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material characterized by "specified sexual activities" for observation by patrons.
- D. "Adult Entertainment Business" means any establishment involved in the sale of services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live performers for observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions.
- E. "Adult Motel" means a hotel, motel, or similar commercial establishment which:
 - 1. offers accommodations to the public for any form of consideration; provides patrons with books, magazines, other periodicals, motion pictures, and other forms of video characterized by "specified sexual activities" as defined below and has a sign visible from a public right-of-way which advertises the availability of such material; or
 - 2. offers a sleeping room for a period less than ten (10) hours; or
 - 3. allows a tenant or occupant of a sleeping room to sub rent the room for a period less than ten (10) hours.
- F. "Specified Sexual Activities" means any of the following:
 - 1. Human genitals in a state of sexual stimulation or arousal.
 - 2. Acts, real or simulated, of human masturbation, sexual intercourse, cunnilingus, fellatio, or sadomasochistic acts.
 - 3. Fondling or other erotic touching of another human.
- G. "Fine Art Gallery" means any display of artwork which is individually crafted and signed by the artist, or which is limited in edition to 1,000 copies or less.

- H. “Sexually explicit nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- I. “Sadomasochistic acts” mean actual or simulated flagellation, bondage, rape, torture, or other physical or sexual sadism, in the context of a sexual relationship.
- J. “Visibly displayed” means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 21.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school, or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 21.04 Criteria

Adult Entertainment Facilities shall be a permitted use in the PRB District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet from any of the following:
 - 1. RR or SRM Districts;
 - 2. Any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age;
 - 3. Any park or recreational facility attended by persons under 18 years of age;
 - 4. Churches, worship facilities, and other similar places of assembly (this does not include all “Places of Assembly”);
 - 5. Another adult entertainment facility.
- B. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

- C. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street.
- D. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.
- E. Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area.

Section 21.05 Severability

This ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. See Section 1.07.

Section 21.06 Compliance with Other Regulations and Statutes

Nothing in this Article is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any local ordinance or regulation, or any statute of the State of Ohio.

Article XXII Agritourism

Section 22.01 Explanation

“Agritourism” or “Agricultural Tourism” means an additional use for agricultural that brings visitors to the land for entertainment such as food, drink, games, and similar activities, as stated in Article II, Definitions. Though agricultural uses are outside the discretion of this code, the ORC enables townships to regulate agritourism through zoning. In Harrison Township, agritourism is a conditional use in Farm Residential Districts.

Section 22.02 Conditions

Applications for an agritourism use must include the following:

- A. The site must be on an active agricultural use.
- B. Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, sanitary facilities, and landscaping if required to buffer adjacent properties.
- C. Identify the food and drink served and any products grown or produce on the premises.
- D. Identify the expected lighting usage and amount of noise.
- E. Transportation:
 - 1. An approved curb cut, and adequate off-street parking is provided;
 - 2. Parking areas are screened from residential properties; and,
 - 3. No vehicles shall be parked on the shoulders of adjacent roads.
- F. Statement that overnight lodging will not be offered to guests.
- G. Approval of the proposed use by the Harrison Township Fire Department.

ARTICLE XXIII Accessory Dwelling Units (ADU)

Section 23.01 Location and Other Restrictions.

Accessory dwelling units shall not be located in an accessory structure. All ADUs must be located within the principal structure of the property and are subject to any conditions required by the Board of Zoning Appeals when accessory dwelling units are considered to be conditional uses or subject to the conditions of the Zoning Commission when accessory dwelling units are permitted as part of a planned district.

ARTICLE XXIV Accessory Structures

Section 24.01 Location

A detached accessory structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the specific district.

Section 24.02 Area

The total area of all accessory uses or structures shall not exceed two percent (2%) of the area of the lot on which the structure or use is located. In no case shall the lot coverage exceed 35% in any residential district. These accessory structure area requirements shall not apply to lakes, ponds, swimming pools and tennis courts. The provisions of this article shall not apply to property in Rural Residential (RR) District.

Section 24.03 Height.

The maximum height of an accessory structure shall be 25 feet.

ARTICLE XXV Food Trucks

25.01 Definition

“Food Truck means a vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio,” as listed in Article II, Definitions.

25.02 Application and Permits

- A. No one can operate or assist in the operation of a food truck in the Township without a Township business permit, Township food truck permit, zoning certificate, and applicable health license(s) issued in accordance with the Ohio Revised Code, the Ohio Administrative Code, and the Township Codes,
- B. Individuals or organizations shall be permitted to operate or a Food Truck on private Property within Harrison Township after meeting the permit and fee requirements of this chapter, unless otherwise exempted by this chapter.
- C. Operation on public property is prohibited unless with permission from zoning board.
- D. If the food truck complies with all standards in Section 25.03, a Food Truck Permit may be issued for up to 30 consecutive days on a property. No more than one (1) Food Truck/Trailer Permit may be issued for a food truck on the same parcel within any calendar year.

25.03 Standards

- A. Maximum of one (1) food truck on lots less than one (1) acre, and maximum of two (2) food trucks on lots greater than 1 acre.

- B. Food trucks shall be located at least one hundred (100) feet from the main entrance to any eating establishment or similar food service business and one hundred (100) feet from any outdoor dining area as measured from the designated location on the lot accommodating the food truck.
- C. Food trucks shall be located at least five (5) feet from the edge of any driveway, public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of twenty-five (25) feet in all directions from fire hydrants.
- D. Food trucks shall be located at least 250 feet from any school unless with the school's permission.
- E. Food trucks and associated seating must not occupy parking spaces without the business owners' permission.
- F. Food trucks are not allowed to park in a way that would impair sight visibility at intersections or impede cars from entering or leaving an existing lot.
- G. Associated seating must be removed from all permitted locations during impermissible house of operation and must not be stored, parked, or left overnight on private and or any public street or sidewalk.
- H. Associated seating areas are only permitted on lots greater than one (1) acre.
- I. Associated seating areas must not occupy any handicap accessible parking spaces.
- J. Food truck vendors are responsible for the proper disposal of waste and trash associated with the operation. Township trash receptacles shall not be used for this purpose. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within five (5) feet of the truck and associated seating area clean of grease, trash, paper, cups, or cans associated with the vending operation.
- K. Food truck vendors must provide at least one garbage can for customers within reasonable distance from the food truck if none are available.
- L. No liquid waste or grease is to be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the Township's sanitary sewer system.
- M. Food trucks must be located where public restrooms are within reasonable distance from the food truck for customers.
- N. Food trucks are permitted to play music with a speaker, but loud amplification shall be prohibited.
- O. Food trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the food truck/trailer for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights shall be prohibited.
- P. The food truck shall have access to water (through a water tank, connection to central water line, etc.) and electricity (through a generator, connection to utility lines, etc.). These services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians.
- Q. Food trucks are not permitted to provide alcoholic products.
- R. No signs shall be permitted except as follows:
 - 1. Signs directly painted or applied directly onto the food truck.
 - 2. One (1) small temporary sign that does not exceed eight (8) square feet.

- S. When a food truck is proposed to be located within one hundred and fifty (150) feet of an existing one-unit dwelling, operations of said food truck/trailer are limited to 10:30 a.m. to 3:30 p.m. daily.
- T. The operations of food trucks in all other locations shall be limited to
 - 1. 6 a.m. – 9 p.m. Sunday through Thursday
 - 2. 7 a.m. – 11 p.m. Friday and Saturday
- U. An operator or their designee must be present at all times except in cases of an emergency.

Section 25.04 Exemptions.

Food Trucks are exempt from obtaining a Food Truck Permit when:

- A. It is parked in one location for a period of less than eight (8) hours; or
- B. It operates exclusively an approved Special Event, within the approved areas and time frames. The Township may increase the maximum number of food trucks allowed for one (1) lot for Township approved Special Events.

ARTICLE XXVI Home Occupations

Section 26.01 General Requirements

- A. A Home Occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit.
- B. The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting.
- C. The home occupation shall not generate traffic greater in volume than normal for the subarea.
- D. The home occupation shall not involve delivery trucks other than normal parcel delivery services.
- E. No equipment or processes shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes 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.
- F. The home occupation shall not occupy more than twenty percent (20%) of the livable floor area of the principal dwelling unit.

Section 26.02 Minor Home Occupations

In addition to Section 26.01, minor home occupations must comply with the following requirements:

- A. There shall be no employees of the minor home occupation other than a person or person(s) who are residents of the dwelling unit in which the home occupation is conducted.
- B. There shall be no signs associated with the minor home occupation.
- C. Minor Home Occupations shall not be located in accessory structures, attached or detached.
- D. There is no permit required for a minor home occupation.

Section 26.03 Major Home Occupations

In addition to Section 26.01 , major home occupations must comply with the following requirements:

- A. There may be employees for the major home occupation who are not residents of the dwelling. Major home occupations include landscaping and other similar businesses where employees report to the site and are dispatched for work to other locations.
- B. The major home occupation may have one wall sign that does not exceed six (6) square feet per sign face and has a maximum height of twelve feet.
- C. Major Home Occupations can be located in accessory structures.
- D. Major Home Occupations in all districts that permit residential uses shall be processed as conditional uses in accordance with the procedures in Article IX. The major home occupation must comply with the criteria in Article IX in order for the Board of Zoning Appeals to issue a Conditional Use Permit.

Article XXVII Lighting

Section 27.01 Standards

Exterior lighting shall comply with these standards unless otherwise specified in this code.

Section 27.02 Lighting Exemptions

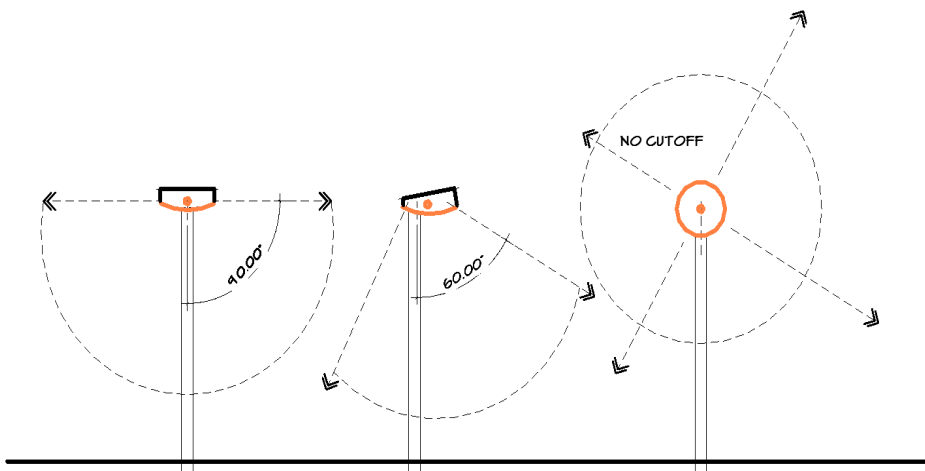
- A. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- B. Holiday lighting shall be exempt from the requirements of this section.
- C. All temporary emergency lighting needed 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.
- D. Streetlights shall be exempt from the provisions of this section.

Section 27.03 Prohibited Lighting

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.

Section 27.04 Types of Fixtures

- A. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
- B. Full cutoff fixtures qualify with a cutoff angle equal to or less than 90-degrees with no light projecting skyward



Section 27.05 Fixture Height

- A. The fixture height in parking lots shall not exceed twenty (20) feet.
- B. Lighting located under canopies shall be flush mounted or recessed within the canopy.

- C. Fixture height shall be measured from the finished grade to the topmost point of the fixture.

Section 27.06 Temperature

The color temperature for all lights shall not exceed 4,000K.

Section 27.07 Exterior Lighting Illumination Levels

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 within an existing residential use or is zoned or designated for residential uses shall be 0.3 foot-candles.
- B. The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles.
- C. 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.
 - 1. The illumination across any property shall be designed to not create excessively dark spots that may create safety issues.
 - 2. 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 to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting shall be required for any parking lot abutting an existing one-unit dwelling.

Section 27.08 Automobile Oriented Uses, Canopy Lighting, and Parking

Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light. Also, see 29.03(B) regarding lights for parking lots.

ARTICLE XXVIII MEDICAL MARIJUANA

Medical Marijuana Facilities shall be prohibited within Harrison Township per Resolution **XXXX**.

ARTICLE XXIX PARKING

Section 29.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Harrison Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 29.02 Provision for Parking Required

Unless otherwise indicated in this Resolution, in all zoning districts, off- street parking shall be addressed in accordance with the provisions of this Article.

Section 29.03 General Requirements

A. Surfacing and Drainage

All off-street parking areas for commercial or industrial projects within the PBD, PUD, and/or RBD Districts shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

B. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in Section 27.08 also apply.

C. Location of Parking Spaces

A five foot (5') clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

D. Parking of Inoperable or Disabled Equipment or Vehicles.

The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

Harrison Township reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.

E. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

1. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be used for permanent.
3. occupancy.
4. Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

Section 29.04 Joint Use

Two (2) or more uses may jointly provide and use parking spaces, provided that together they meet the parking space requirements of Section 29.06.

Section 29.05 Public Parking Facilities

A. Property abutting within five-hundred (500) feet of a public parking facility shall not be required to provide or maintain a specific number of off-street parking spaces. All other properties shall conform to Section 29.06.

B. Public parking facilities, including launch points into the Scioto River, maintained by the Township or other political subdivision, shall not be required to provide a specific number of parking spaces. However, the Zoning Commission and Board of Trustees can recommend a desired number of parking spaces based on expected traffic.

Section 29.06

SCHEDULE OF REQUIRED OFF-STREET SPACES

Parking spaces shall be provided according to the following schedule of uses that do not apply to Section 29.05. If a use consists of more than one component use (e.g., a school with a stadium) the required minimum number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

A. Residential

One (1) parking space for every residential dwelling unit on a property.

B. Commercial

One parking space for every one-hundred (100) GFA with the following exceptions:

1. Campground: One (1) per each campsite and one per employee for the largest shift
2. Hotels and Motels: One (1) per sleeping room.
3. Office (general/medical/dental): Four (4) spaces per 1,000 square feet of gross building area.

C. Institutional

One (1) parking space for every five-hundred (500) GFA with the following exceptions:

1. Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds
2. Places of assembly: One (1) for every six (6) seats in the main area of assembly.
3. Schools: One (1) for every ten (10) students.
4. Daycares: Two (2) spaces per classroom but in no case less than 6 spaces.

D. Industrial

One-half (0.5) space per 1,000 square feet of gross building area.

Section 29.07 Electric Vehicles

It is not required under this code to provide automobile parking spaces with vehicle charging stations. However, the total number of required automobile off-street parking spaces required by this code shall be reduced by one (1) automobile off-street parking space for every one (1) parking space with a vehicle charging station provided.

ARTICLE XXX SIGNS

Section 30.01 Purpose

The purpose of the sign regulations is to:

- Provide effective and attractive identification for businesses, services, and uses; and
- Provide a reasonable system of regulations for signs as a part of the Township's Zoning Resolution and consistent with state and federal laws.
- Promote reasonable sign standards to limit the aesthetic impact of signs on properties within the Township to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety.
- Attract and direct the public to available activities, goods, and services.
- Enhance the economic value of the community through attractive and effective signage.
- Provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.

Section 30.02 Zoning Permit

Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any sign in any district. The following types of signs are exempt from obtaining a Zoning Permit:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with a residential use and are not of a commercial nature, including the address and/or the name of the occupants.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising.
- C. Signs that are on the inside of a structure or building that are designated or located to not be typically visible from outside the window.
- D. Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- E. All signage and graphics shall be carefully coordinated with the building and architecture.

Section 30.03 Regulations for All Signs

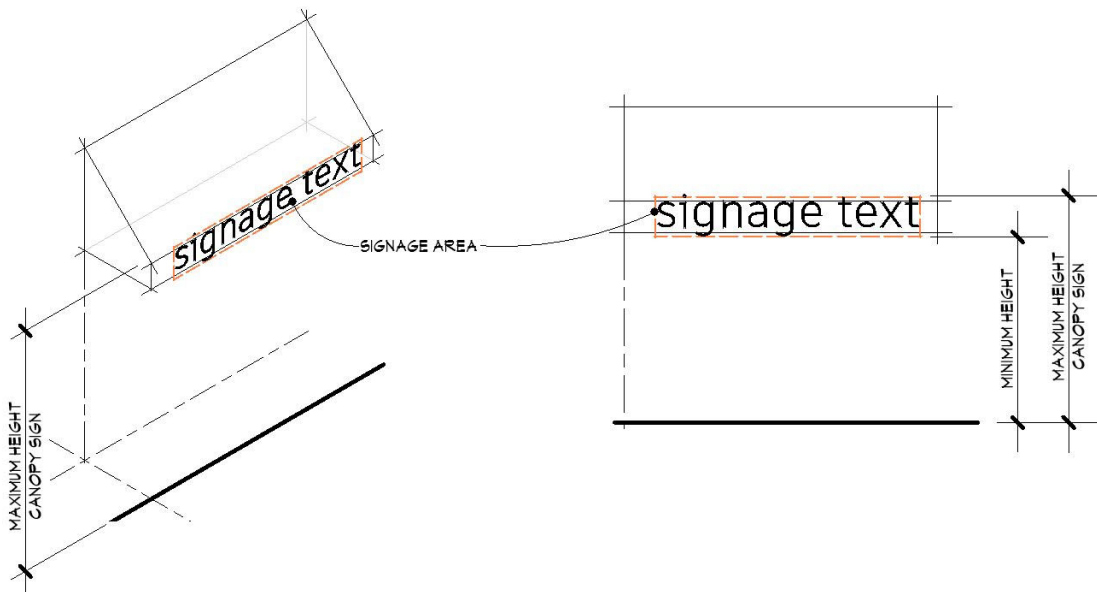
The following regulations apply to all Signs within the Township

- A. Signs shall not be painted directly on the surface of a Fence.
- B. No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
- C. The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscales.
- D. Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit.
- E. Original Art Mural and Vintage Art Murals as defined in ARTICLE II, Definitions, shall only be permitted in accordance with Section 30.17 these regulations.

Section 30.04 Canopy Signs

All Canopy Signs shall comply with the following requirements:

	RR, RBD	SRM, PBD, and PUD
Maximum Number of Signs Per Business	1	Per Approved Development Plan
Maximum Square Footage	2 sf/lf of canopy	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan
Minimum Height (Feet)	9	Per Approved Development Plan



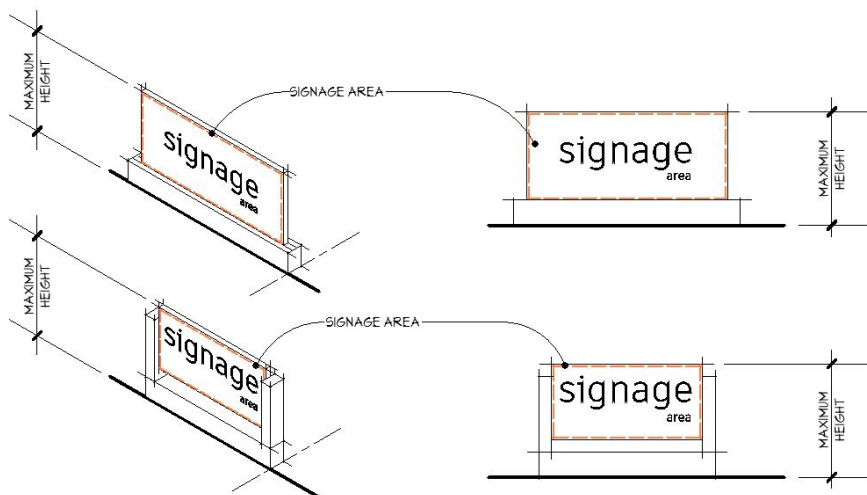
Section 30.05 Ground Signs

All ground signs shall comply with the following requirements:

	RR		RBD	SRM, PBD, RBD, and PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1		1	Per Approved Development Plan
Maximum Square Footage	12		40	Per Approved Development Plan
Maximum Height (Feet)	6		8	Per Approved Development Plan
Minimum Distance from ROW (Feet)	10		20	Per Approved Development Plan

- A. The maximum square footage in the above table is per sign face. 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.
- 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. Ground Mounted Signs shall not be permitted along rear access roads.

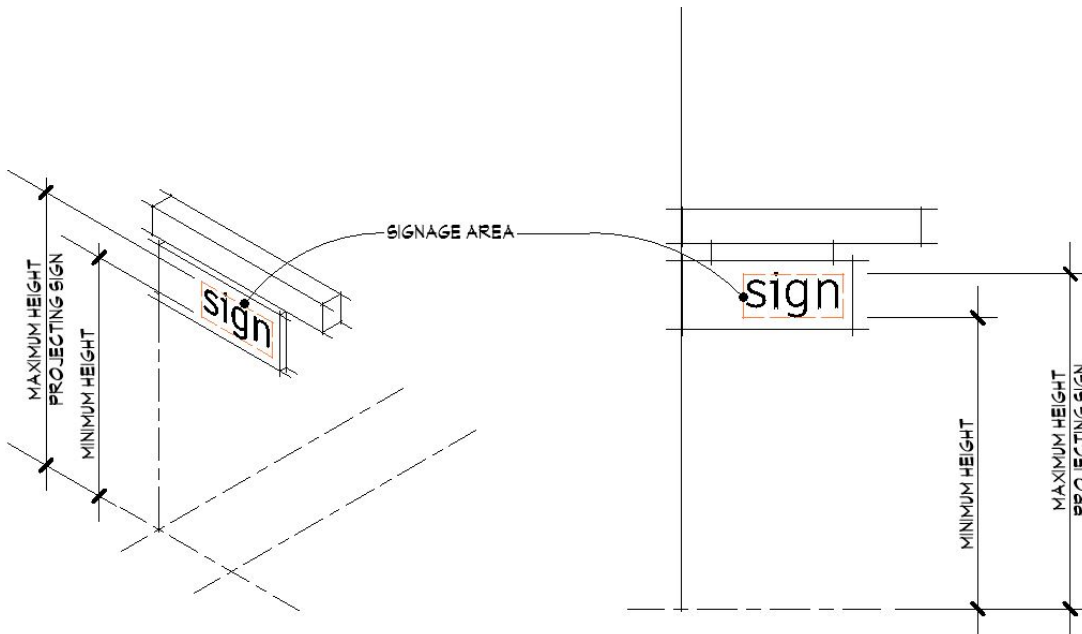
Measurement of Ground Mounted Sign Area and Height:



Section 30.06 Projecting Signs

When permitted, such signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each sign face shall count to 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. Projecting signs are permitted as follows:

	RR	RBD	SRM, PBD, PUD
Number of Signs Per Business	1	1	Per Approved Development Plan
Maximum Square Footage	12	24	Per Approved Development Plan
Maximum Height (Feet)	Height of Eave	Height of Eave	Per Approved Development Plan
Minimum Height (Feet)	9	9	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)	8	8	Per Approved Development Plan

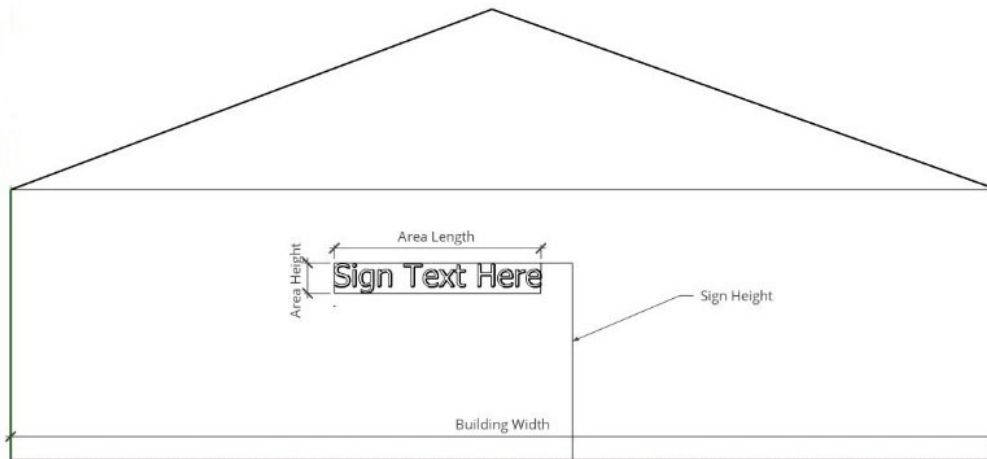


Section 30.07 Wall Signs

All wall signs shall comply with the following requirements:

	RR	RR when associated with a Conditional Use	RBD	SRM, PBD, PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	1	Per Approved Development Plan
Maximum Square Footage	2	12	2 sq. ft. per 1 lineal foot of building width	Per Approved Development Plan
Maximum Height (Feet)	8	15	Height of Eave	Per Approved Development Plan

*Fractional numbers are rounded down to the lower whole number



Section 30.08 Window Signs

All window signs shall comply with the following requirements:

	RR	RBD	SRM, PBD, RBD, PUD
Maximum Number of Signs Permitted	1 per lot	1 per window	Per Approved Development Plan
Maximum Square Footage	10 percent of window area	25 percent of window area	Per Approved Development Plan
Maximum Height (Feet)	15	15	Per Approved Development Plan

Section 30.09 Pylon Signs

All pylon signs, which are only permitted in NB, GB, RBD, SRM, PBD, and PUD, shall comply with the following requirements:

	RBD	SRM, PBD, PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	Per Approved Development Plan
Maximum Square Footage	125	Per Approved Development Plan
Maximum Height (Feet)	35	Per Approved Development Plan
Minimum Distance from ROW (Feet)	20	Per Approved Development Plan

Section 30.10 Way Finding Signs

There may be two way finding signs per access driveway connecting to a public or private street. Way finding 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.

Section 30.11 Entrance Wall Sign

One sign may be placed on an entrance wall or on each parallel entrance wall as permitted in Section 30.07. Each sign shall not extend above the height of the wall and shall not exceed fifteen (15) square feet in size. Lighting for said sign(s) shall be restricted to external illumination that complies with Section 30.14. Internal illumination of said signs are prohibited.

Section 30.12 Drive Thru Signs

Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- A. One large drive-thru board shall be permitted per drive thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the drive through lane to which it serves and shall not exceed eight (8) feet in height.
- B. One medium drive thru board shall be permitted per drive thru lane. Said sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
- C. One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the drive thru speaker and shall not exceed five (5) feet in height.
- D. Drive thru board signs shall be permitted to have changeable copy electronic display messages may be permitted provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.

Section 30.13 Total Maximum Square Footage of All Signs

	Total Maximum Square Footage for All Signs
RR	150 for internal lots 250 for corner or double frontage lots
SRM, PBD, RBD, and PUD	Per Approved Development Plan

Section 30.14 Sign Lighting

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:

- A. A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
- B. A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
 - 1. The color temperature of the sign lighting shall not exceed 4,000K.
 - 2. The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right of Way or parking lot from which the sign can be viewed.
 - 3. Light fixtures shall be screened from view by site grading or landscaping.

Section 30.15 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. In all residential zoning districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other zoning districts, 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. In all zoning districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period
- D. In the RBD, PBD, and PUD Districts, 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.

- E. Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a lot.
- F. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

Section 30.16 Changeable Copy and Electronic Message Displays

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except drive thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

1. Be limited to fifty (50) percent of the overall sign area.
2. Be static, shall not move, scroll, or flash, and shall not exceed nighttime (one hour after sunset)
3. Maximum luminance (cd/m²) of forty (40).
4. Be turned off at the latter of 11:30 p.m. or one hour after the close of business and shall remain off until 6:30 a.m. the following morning.

Section 30.17 Murals

- A. Original Art Mural Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
 1. Original Art Murals are permitted only in the, RBD, SRM, PBD, and PUD districts. (All except RR?)
 2. The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation.
 3. The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building.
 4. There shall be no more than one Original Art Mural per parcel or per building, whichever is more restrictive.
 5. Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
 6. No part of the mural shall exceed the height of the structure to which it is tiled or painted.
 7. The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear.
 8. The mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Section 4.10.03 of this code.

9. Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by Section XX prior to the Zoning Commission issuing a Mural Permit.
 10. Murals that would result in a property becoming out of compliance with any other Township Resolutions shall be prohibited.
- B. Vintage Art Mural Requirements. All murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with ARTICLE V of this code.

Section 30.18 Billboards

A. Billboards

Billboard shall be permitted in the PBD and PUD Districts shall be subject to the following conditions:

1. Billboards shall be allowed only on properties having direct frontage on state or federal highways designated as on the primary system. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment. The erection of all billboards shall comply with all federal and state requirements.
2. Any billboard shall maintain a maximum height of forty-five (45) feet. The maximum display area for any billboard shall not exceed 300 square feet per side.
3. Said billboard structures must be set back from the established right-of-way of any roadway not less than one hundred (100) feet.
4. At a property at any intersection, any billboard structure shall not be located less than two hundred (200) feet from the established right-of-way line of each highway or thoroughfare, or in such other manner as to interfere with, or obstruct clear vision of such intersection in any direction for a distance of 250 feet.
5. No such billboard structure shall be permitted to face the front or side lotline of any lot or parcel of land that abuts a district that permits residential uses and is within three hundred (300) feet of such lot line.
6. No billboard shall be erected within 1,500 feet from any other billboard.

ARTICLE XXXI Small Solar Facilities

Section 31.01 Purpose and Definitions

- A. It is the purpose of these regulations to promote the safe, effective, and efficient use of Small Solar Facilities to reduce the on-site consumption of utility supplied electricity. All Industrial Solar Facilities are exempt from township zoning per ORC 519.213 and are under the jurisdiction of the Ohio Power Siting Board.
- B. There are two types of Small Solar Facilities: Roof Mounted and Ground Mounted, which are defined in Article II, Definitions. Ground mounted systems are further divided into Small Solar Facilities and Individual Solar Facilities as defined in Article II, Definitions.

Section 31.02 Roof Mounted Small Solar Facilities

Roof Mounted Small Solar Facilities are permitted in all Districts, provided the roof-mounted solar system comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:

- A. Pitched roof-mounted arrays shall be parallel to the roof.
- B. The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches.
- C. Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be screened.

Roof-mounted panels cannot exceed the maximum height of a building by any more than five (5) feet.

Section 31.03 Ground Mounted Individual and Small Solar Facilities

Individual and Ground Mounted Small Solar Facilities shall comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:

- A. No Individual or Ground Mounted Small Solar Facility shall be permitted in the front yard. If the lot has neither a front nor back yard, then it shall have a front setback of seventy-five (75) feet.
- B. All Individual or Ground Mounted Small Solar Facilities shall maintain a minimum side and rear setback of seventy-five (75) feet. In cases where there is an adjacent lot with an existing residential structure, the minimum setback of the Individual or Ground Mounted Small Solar Facility from said abutting lot line shall be a minimum of one hundred fifty (150) along the entire lot line.
- C. Any perennial vegetation for Individual or Ground Mounted Small Solar Facility shall be fauna native to the area, as approved by the zoning board.

ARTICLE XXXII Telecommunication Towers

Section 32.01 Definition.

Telecommunications towers, as defined in Article II, Definitions of this Resolution, may be allowed as a conditional use in the AL District. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code.

Section 32.02 Conditions

Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be one (1) acre.
- E. Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lit except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14 CFR Part 77).

Section 32.03 Co-Locating Facilities

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

ARTICLE XXXIII Temporary Structures / Construction Trailers

Section 33.01 Two Types of Temporary Structures.

There are only two (2) types of temporary structures that are permitted within the Township: portable home storage units and temporary construction trailers/offices

Section 33.02 Portable Home Storage Units

Portable home storage units may only be permitted within any residential districts (RR and SRM), provided the following regulations are met. A Zoning Permit shall be obtained for any portable home storage unit.

- A. Portable home storage units shall be prohibited from being located within any right-of-way and may not block any sidewalk or multi-use path.
- B. Portable home storage units shall be kept in the driveway of the property at the furthest accessible point from the street.
- C. Only two (2) portable home storage units shall be permitted on any residential property at any one time.
- D. Each portable home storage unit shall not exceed 16 feet in length, eight (8) feet in width, and eight (8) feet in height.
- E. Portable home storage units shall be permitted for 30 calendar days within any 365-calendar day period.
- F. Portable home storage units shall not be utilized for living purposes.

Section 33.03 Temporary Construction Trailers/Offices

Temporary construction trailers/offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.

- A. The temporary trailer/office shall be prohibited from being located in the right-of-way and shall be setback a minimum of ten (10) feet from the right-of-way line.
- B. No more than one (1) temporary trailer/office shall be permitted per construction site
- C. The temporary trailer/office shall only be permitted for a period of one (1) year days in any calendar year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals.
- D. The number and time limits for temporary construction trailers/offices do not apply to properties within the RBD.

Section 33.04 Cargo Containers

- A. Regulations: Cargo Containers, as defined in ARTICLE II, Definitions, of this code, may be used as accessory structures on residential property, only in accordance with the following:

1. Permitted: Cargo containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship shall be allowed to be set up as a residential accessory structure and shall comply with all the requirements of Article XXIV.
2. Zoning Permit Required: Purchasers, owners or users of cargo containers shall obtain a zoning permit from the Township for each container prior to placing or moving the container onto their property.
3. Exterior Appearance: The exterior of the cargo container shall be painted or altered to cover any advertising, lettering, or numbers.
4. Stacking Prohibited: No stacking of cargo containers shall be allowed.
5. Ground Level Location: All cargo containers shall be located at ground level for safety.
6. Dwelling Use Prohibited: Cargo containers shall not be used as a dwelling unit.

ARTICLE XXXIV Wind Energy Systems

Section 34.01 Definitions

For the purposes of these regulations, “Wind Energy Conversion Systems” shall mean, as listed in Article II, Definitions.

Section 34.02 Individual Wind Energy Conversion Systems

Individual Wind Energy Conversion Systems shall comply with the following requirements:

- A. The height of the tower of the wind turbine system shall not exceed 100 feet on parcels of two to five acres, and 250 feet on parcels of more than five acres. Wind turbine systems shall not be allowed on parcels of less than two (2) acres in size.
- B. Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or distributor of the system.
- C. The base of the tower shall be located not less than 500 feet from any property line. and not less than 750 feet from any residential dwelling not participating in the wind energy project of which the turbine is a component.
- D. The system shall not exceed fifty (50) decibels (dBA) measured at the closest inhabited residential dwelling.
- E. The system shall not exceed a footprint of five (5) megawatts.
- F. The application shall include standard drawings and an engineering analysis of the structural stability of the tower, and certification of same by a Professional Engineer.
- G. The system will comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.

34.03 Small Wind Farm

More than one (1) wind turbine system, and/or systems that do not fully comply with the standards of Section 34.02 above, shall be permitted in the PRB and PUD districts, and subject to the following requirements: following:

- A. The height of the tower of the wind turbine system shall not exceed 300 feet.
- B. No more than one (1) wind turbine system shall be permitted for each two (2) acres of the property.
- C. The system shall not exceed a footprint of fifty (50) megawatts.
- D. Shall comply with all requirements of any approved conditional use permit or final development plan as applicable.

ARTICLE XXXV Visibility at Intersections

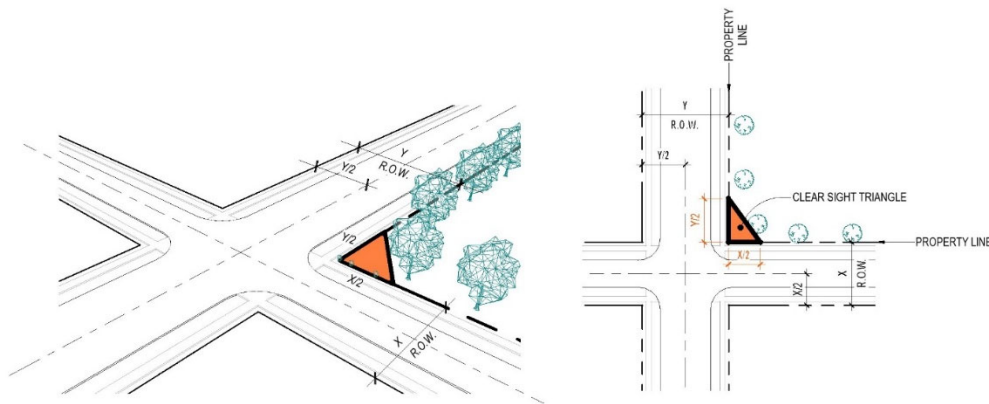
Section 35.01 Sign Triangle Established

There shall be sight triangle established at every intersection of two public rights-of-way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the rights-of-way from their point of intersection for a distance equal to half the width of each street right-of-way. The vision triangle shall be measured along the right-of-way within the boundaries of the property.

Section 35.02 Visibility Maintained.

There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.

Example where right-of-way = lot line



Example where lot line is the centerline of the road:

