

# Orange Township Zoning Resolution

Effective May 1, 2013, As Amended

“Controlling and promoting the quality  
of life in Orange Township”



Orange Township  
1680 E. Orange Road  
Lewis Center, OH 43035  
Delaware County, Ohio

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# **Zoning Resolution of ORANGE TOWNSHIP Delaware County, Ohio**

*Zoning approved by voters November 8, 1955,  
and as amended  
October 8, 1971,  
November 25, 1982,  
January 19, 1989,  
February 1, 1990,  
October 6, 1992,  
June 2, 1994,  
January 27, 2002,  
June 15, 2005,  
August 16, 2006,  
May 17, 2007,  
August 20, 2008,  
May 7, 2009,  
June 16, 2010  
March 9, 2011  
and  
May 1, 2013*

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Thomas G Farahay

**NOTICE**

These materials represent a current compilation of the Orange Township Zoning Resolution, and reflect the end product of the evolution of Zoning in Orange Township from its initial adoption by the voters on November 8, 1955, and through the amendments effective October 8, 1971, November 25, 1982, January 19, 1989, February 1, 1990, October 6, 1992, June 2, 1994, January 27, 2002, June 15, 2005, August 16, 2006, May 17, 2007, August 20, 2008, May 7, 2009, June 16, 2010, March 9, 2011 and May 1, 2013.

Every effort has been made to ensure the accuracy of this compilation. However, the user is advised that, in any conflict between these materials and the original Zoning Resolution or the Amendments thereto, the text of the latter shall control.

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**ARTICLE I - TITLE**

**SECTION 1.01** - This Resolution shall be known and may be cited and referred to as Orange Township Zoning Resolution, Delaware County, Ohio.

**ARTICLE II - PURPOSE**

**SECTION 2.01** - This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land, to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of chapter 519, Ohio Revised Code.

**ARTICLE III - INTERPRETATIONS OF STANDARDS**

**SECTION 3.01** - In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. Zoning boards and the Orange Township Board of Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted or approved.

**ARTICLE IV - DEFINITIONS**

**SECTION 4.01 – DEFINITIONS:** All words used in this Zoning Resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's Dictionary. The following listed words, terms and phrases are specifically defined for use in this Zoning Resolution:

- a) **“Adult”** means an individual eighteen years of age or older.
- b) **“Adult arcade”** means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.
- c) **“Adult bookstore,” “adult novelty store,” or “adult video store”** means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
  - 1) Hard core material.
  - 2) Adult novelties, instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
- d) **“Adult cabaret”** means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
  - 1) Persons who appear in a state of nudity or semi-nudity;
  - 2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
  - 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

- e) **“Adult entertainment”** means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- f) **“Adult entertainment establishment”** or **“Sexually Oriented Business”** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an "adult entertainment establishment."
- g) **“Adult motion picture theater”** means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, or any other media, that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- h) **“Adult theater”** means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- i) **“Display publicly”** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.
- j) **“Distinguished or characterized by their emphasis upon”** means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
- k) **“Establishment”** means any business regulated by this Resolution.

- l) **"Footcandle"** means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Footcandles will be measured with the meter pointed perpendicular to the property line or grade plane.
- m) **"Four-sided Architecture"** means that a building has equivalent design treatment given to all facades, incorporating design elements into each of the four sides of the building while pairing economic feasibility with sustainable design. Design elements on all sides of a building are compatible with the front elevation and/or the adjacent buildings. Architectural elements such as, but not limited to, window mullions, shutters, masonry exterior veneers, cornice detailing and window casing should demonstrate consistency on all four sides of the structure.
- n) **"Full-shielded type fixture"** or **"full cut-off type fixture"** means an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
- o) **"Glare"** means the direct light that causes annoyance, discomfort, or loss in visual performance and visibility.
- p) **"Grade, natural"** means the elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- q) **"Gross public floor area"** means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways and entryways.
- r) **"Hard core material"** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- s) **"Harmonious"** means adapted to each other; having the parts combined in a proportionate, orderly, or pleasing arrangement; congruous; symmetrical.
- t) **"Illuminance"** means the quantity of light arriving at a surface divided by the area of that surface, measured in footcandles.

- u) **“Licensed professional massage studio”** means an establishment offering massage therapy and/or body work by a massage therapist licensed under the Ohio Revised Code or under the direct supervision of a licensed physician.
- v) **“Light pollution”** means any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the structure height.
- w) **“Light trespass”** means light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
- x) **“Light uniformity ratio”** is expressed as either the maximum or average illuminance divided by the minimum illuminance.
- y) **“Lingerie modeling studio”** means an establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.
- z) **“Live entertainment”** means on site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- aa) **“Lumen”** means the unit of luminous flux in the international system, equal to the amount of light given out through a solid angle by a source of one candela intensity radiating equally in all directions.
- bb) **“Luminaire”** means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- cc) **“Maintained Passive Open Space”** means open space area which is designed or well-suited for passive recreation or aesthetic effect, including but not limited to: open fields and meadows, walking and bike paths, entrance and landscaping features or landscape buffers, all of which are to be mowed and maintained by the owner or responsible party. Within such areas trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the original development plan. Such Open Space shall not be included within an individual residential lot.
- dd) **“Media”** means anything printed or written, or any picture, drawing, photograph, motion picture, film, video, DVD, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is used or may be used as a means of communication. Media includes, but shall not necessarily be limited to,



books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other presentation in magnetic, digital or analog format, and undeveloped pictures.

- ee) **“Nude or seminude model studio”** means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a nude or seminude model studio and is not subject to the regulations of Article XVIII of this Resolution if it is operated in any of the following ways:

- 1) By a college or university supported entirely or partly by taxation;
- 2) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- 3) In a structure to which all of the following apply:
  - (a) It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing.
  - (b) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
  - (c) Not more than one nude or seminude model is on the premises at any one time.

- ff) **“Nudity,” “Nude” or “State of Nudity”** means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

- gg) **“Performance”** means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

- hh) **“Performance standard”** means a criterion established in the interest of protecting the public health, safety and welfare from nuisance factors and other objectionable or dangerous elements generated by, or inherent in, uses of land or buildings.

- ii) **“Prostitute”** means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- jj) **“Recessed ceiling fixture”** means an outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- kk) **“Recreational Open Space”** means open space area which is designed or well-suited for active recreation, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or responsible party.
- ll) **“Regularly features”** or **“regularly shown”** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.
- mm) **“Seminude”** or **“state of semi-nudity”** means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
- nn) **“Sexual activity”** means sexual conduct or sexual contact, or both.
- oo) **“Sexual conduct”** means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- pp) **“Sexual contact”** means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- qq) **“Sexual encounter establishment”** means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
  - 1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

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- 2) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
  - 3) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not a "sexual encounter establishment."
- rr)** **"Sexual excitement"** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- ss)** **"Sign"** or **"exterior sign"** means any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. 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 as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity.
- tt)** **"Specified anatomical areas"** means the cleft of the buttocks, anus, male or female genitals, or the female breast.
- uu)** **"Specified sexual activity"** means any of the following:
- 1) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
  - 2) Excretory function as part of the activities described in subpart (1) of the definition of "Specified Sexual Activity".
- vv)** **"Structure"** means anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this zoning resolution, fences are not considered structures.

- ww) “Touching Business”** means any adult entertainment establishment that encourages and/or allows physical contact between patrons and employees, for the purpose of sexual gratification or stimulation.
- xx) “Unmaintained Passive Open Space”** means undeveloped open space area which functions to: preserve a site’s natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as such Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except such dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such Open Space including but not limited to: the planting of flowers, shrubs, garden material, etc.; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational or other facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the original development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot.
- yy) "Uplighting"** means any light source that distributes illumination above a 90-degree horizontal plane.

**ARTICLE V - DISTRICTS AND BOUNDARIES**

**SECTION 5.01 - ZONING DISTRICT CLASSIFICATIONS:** For the purpose of this Resolution, the following zoning district classifications are hereby created in order that the unincorporated area of Orange Township, Delaware County, Ohio, may be divided into one or more such districts:

FR-1	Farm Residential District
R-2	Low Density Residential District
R-3	Medium Density Residential District
SFPRD	Single Family Planned Residential District
MFPRD	Multi-Family Planned Residential District
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
PC	Planned Commercial and Office District
PERD	Planned Elderly Residential District
I	Industrial District
PI	Planned Industrial District
A-1	Agricultural Preservation District

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

**SECTION 5.02 - DISTRICT BOUNDARIES:** The boundaries of each district into which the township is divided are indicated upon the zoning maps of Orange Township, which are hereby made a part of this Resolution. The said maps of Orange Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled "Zoning Map, Orange Township, Delaware County, Ohio", is properly attested and is on file in the office of the Board of Township Trustees of Orange Township, Delaware County, Ohio at the Township Hall, 1680 E. Orange Road, Orange Township, Delaware County, Ohio.

**SECTION 5.03 - NEW TERRITORY:** All territory which may hereafter become part of Orange Township, Delaware County, Ohio, by any method and all territory in a Farm Residential District (FR-1) on the effective date of this amendment (August 20, 2008) shall automatically be classed as lying in and being in a Farm Residential District (FR-1) until such classification shall have been changed by an amendment to this Zoning Resolution and map as provided by law.

**SECTION 5.04 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the afore-said districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- e) Where the boundary of a district follows a stream, or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning of any territory, said metes and bounds description shall control over all of the foregoing.
- g) Questions concerning the exact location of district boundary lines shall be determined by the zoning inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

**SECTION 5.05 - ZONING MAP:** The official zoning map shall be maintained by the zoning inspector in his office at the Township Hall, 1680 E. Orange Road, Orange Township, Delaware County, Ohio, and the same shall be accessible to the public at all reasonable times.

**ARTICLE VI - APPLICATION OF RESOLUTION**

**SECTION 6.01 - CONFORMANCE REQUIRED:** Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

**SECTION 6.02 - AGRICULTURE:** Nothing contained in this Resolution 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 permit or certificate of compliance shall be required for any such use, building or structure. For purposes of this Resolution no tract of land less than five (5) acres shall be considered agricultural in nature nor shall the same be subject to this exemption.

**SECTION 6.03 - PUBLIC UTILITIES AND RAILROADS:**

- a) Except as otherwise provided in division b) of this Section, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.
  
- b) 1) As used in this division, "telecommunications tower" means any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
  - (a) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
  
  - (b) The free-standing or attached structure is proposed to be located in the unincorporated area of the township, in an area zoned for residential use.
  
  - (c) (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in this Resolution, or the maximum allowable height of such a free-standing structure as

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set forth in of this Resolution.

- (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in this Resolution.
  - (d) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
- 2) This Resolution, pursuant to Section 519.211 (B) of the Ohio Revised Code, does control the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the provisions of this Resolution shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division b) 4) (a) of this Section, to the person proposing to construct the tower.
- 3) Any person who plans to construct a telecommunications tower in the unincorporated area of the township, in an area zoned for residential use, shall provide both of the following by certified mail:
  - (a) Written notice to each owner of property, as shown on the county auditor's current tax list whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - (i) The person's intent to construct the tower;
    - (ii) A description of the property sufficient to identify the proposed location;
    - (iii) That, no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Orange Township Board of Trustees requesting that the provisions of this Resolution apply to the proposed location of the tower as provided under division b) 4) (a) of this Section.
    - (iv) If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice



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by regular mail. The failure of delivery of the notice does not invalidate the notice.

- (b) Written notice to the Orange Township Board of Trustees of the information specified in divisions b) 3) (a) (i) and (ii) of this Section. The notice to the board also shall include verification that the person has complied with division b) 3) (a) of this Section.
- 4)
  - (a) If the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of this Section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under division b) 3) (b) of this Section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the telecommunications tower is subject to provisions of this Resolution affecting its location, erection, construction, reconstruction, change, alteration, removal, or enlargement. The notice shall be sent no later than five (5) days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Resolution shall apply to the tower.
  - (b) If the Orange Township Board of Trustees receives no notice under division b) 3) (a) (iii) of this Section within the time prescribed by that division or no board member has an objection as provided under division b) 4) (a) of this Section within the time prescribed by that division, division a) of this Section shall apply to the tower without exception.
- c) This resolution, pursuant to Section 519.211 (c) of the Ohio Revised Code, does regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service over any public street, road or highway in the state of Ohio and the use of land by any such public utility for the operation of its business. For the purposes of this resolution, all such uses shall be considered non-residential and non-commercial uses and shall be located in PID districts if approved by the board of township trustees. The Board of Trustees has no power with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market

or to food fabricating plants.

Any company engaged in the transport of persons or property, or both, that is lawfully established at the time of the adoption of this amendment shall be permitted to continue, but any expansion of such existing use shall conform to the regulations of this resolution.

**SECTION 6.04 - BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION:** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The zoning inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed.

**SECTION 6.05 - ISSUED ZONING PERMITS:** Any new proposed construction for which a zoning permit is issued shall have been started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning permit; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the zoning inspector with the original request for the permit.

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

**ARTICLE VII - FARM RESIDENTIAL DISTRICT (FR-1)**

**SECTION 7.01 - PURPOSE:** There is created hereby within Orange Township a Farm Residential District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained.

**SECTION 7.02 - APPLICATION:** All lands in Orange Township not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots in subdivisions which are located within the limits of Orange Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purpose.

**SECTION 7.03 - PERMITTED USES:** Within the Farm Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single family dwelling.
- b) Accessory buildings and accessory uses incidental to the principal building or use, including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within this township.
- d) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- e) Agricultural purposes, beekeeping, dairying, floriculture, grazing and raising of livestock (except commercial feed lots as herein defined and prohibited), orchards, plant nurseries, poultry raising (except commercial operations as herein defined and prohibited), raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables, subject to the following restrictions:
  - 1) No animal, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line. Swine and goats may be kept on such tract only if the building housing such swine or goats is located at

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least two hundred (200) feet from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is less than five (5) acres and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.

- 2) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
  - 3) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- f) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- g) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**SECTION 7.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not

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commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
- 4) No more than three (3) non-resident employees shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

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- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
  - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises and the site is in compliance with the Delaware County Airport Zoning Resolution.
  - c) Churches or other places of worship provided they occupy a lot of not less than five (5) acres plus one acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
  - d) Playgrounds, play fields, picnic areas and summer camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.
  - e) Cemeteries providing the same occupy a tract of not less than one hundred (100) acres. No building shall be placed closer to the right of way of any approved road than the setback prescribed by Section 21.09 of this Resolution. No interment may be made nearer than fifty (50) feet to the right of way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10)

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feet to said property line. No mausoleum, crematory, office facility, maintenance building or storage area shall be constructed except as approved by the Board of Zoning Appeals and parking areas, public accesses, screening and other improvements shall be furnished as required.

- f) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.
- g) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.
- h) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

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- (b) Existing and proposed drainage of the area.
- (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
- (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 7.05 - PROHIBITED USES:** Within the Farm Residential District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) For purposes of this Resolution, the operation of a feed-lot for the feeding for



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sale of cattle, hogs, horses, llamas, rheas, ostriches, and sheep shall be termed commercial if the number of such animals per acre of farmland in Orange or adjoining townships operated by the proprietor is greater than: five (5) head in the case of cattle, horses, llamas or sheep; or ten (10) head in the case of hogs, rheas or ostriches. The feeding for sale of more than ten thousand (10,000) chickens or one thousand (1,000) turkeys in a poultry operation at any one time shall be termed commercial. Neither of these commercial operations shall be permitted in the Farm Residential District.

- c)** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- d)** No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- e)** No sales trailers of any type shall be permitted
- f)** No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- g)** Except as specifically permitted in Section 7.03 herein no mobile home shall be placed or occupied in this district.
- h)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- i)** Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.

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- j) The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (*Pan*), gibbon (*Hylobate*), gorilla (*Gorilla*), orangutan (*Pongo*), siamang (*Symphalangus*), baboon (*Papoi* or *Mandrillus*); bear (*Ursidae*), bison (*Bison*), boar (*Suidae*), cheetah (*Acinonyx Jubatus*), crocodilian (*Crocodylia*), coyote (*Canis Latrans*), deer (*Cervidae* - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (*Elephas* or *Loxondonta*), gamecocks and other fighting birds, hippopotamus (*Hippopotamidae*), hyena (*Hyaenidae*), jaguar (*Panthera Onca*), leopard (*Panthera Pardus*), lion (*Panthera Leo*), lynx (*Lynx*), ostrich (*Struthio*), pirahna fish (*Characidae*), puma (*Felis Concolor* - also known as cougar, mountain lion and panther), rhinoceros (*Rhinocero Tidae*), snow leopard (*Panthera Uncia*) and tiger (*Panthera Tigris*); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

This prohibition shall apply to lots less than five (5) acres in area, subject to the limitations contained in Ohio Revised Code Section 519.21.

**SECTION 7.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Farm Residential District.

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- a) **Lot Area** - No parcel of land in this district shall be used for residential purposes which has an area of less than one and ninety-eight hundredths acres (86,249 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- b) **Lot Frontage** - Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum lot frontage on a road approved by the Delaware County Engineer.

Less than 2 acres	150 ft.
2 acres but less than 3 acres	175 ft.
3 acres but less than 4 acres	200 ft.
4 acres but less than 5 acres	250 ft.
5 acres or larger	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right of way line be less than sixty (60) feet and the width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises. If an irregularly shaped lot (i.e. pie-shaped) located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the right of way line of the adjoining roadway, the requirement for extra setback is required to conform with setback lines for principal structures on adjoining lots.

- c) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerials, antennas 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.
- d) **Building Dimensions (Floor Space Requirements)** - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand (1,000) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) **Building Setback** - No building or use shall be located closer to the right-of-

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way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.

- f) **Side Yard Setback** - No building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) **Rear Yard Requirement** - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- j) **Signs** - Except as provided under the provisions of this Article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

**ARTICLE VIII - LOW DENSITY RESIDENTIAL DISTRICT (R-2)**

**SECTION 8.01 - PURPOSE:** There is created in Orange Township a Low Density Residential District intended to provide areas for single family suburban type residential development at low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewer.

**SECTION 8.02 - APPLICATION:** All lands within Orange Township which are to be used for single family lots of less than one acre but at least twenty thousand (20,000) square feet in area shall be controlled by the provisions of this article of the Zoning Resolution unless the owner thereof elects to apply the provisions of Article X of this Resolution.

All lots or town lots which are located within the limits of Orange Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

**SECTION 8.03 - PERMITTED USES:** Within any Low Density Residential District (R-2) the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single family dwelling.
- b) Accessory buildings and accessory uses incidental to the principal building or use, including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.
- f) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty percent (50%) of the gross income from the market is derived from sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

**SECTION 8.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

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- 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
  - 4) No more than one (1) non-resident employee shall work on said premises.
  - 5) Services may be rendered on the premises or elsewhere.
  - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
  - 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
  - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b)** Churches or other places of worship provided they occupy a lot of not less than five (5) acres plus one acre for each one hundred (100) permanent seats

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over three hundred (300) in the main assembly area.

- c) Playgrounds, play fields, picnic areas and summer camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.
- d) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
    - (b) Existing and proposed drainage of the area.



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- (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
- (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 8.05 - PROHIBITED USES:** Within any Low Density Residential District (R-2) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any

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adjoining property or public road.

- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No sales trailers of any type shall be permitted
- e) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f) Except as specifically permitted in Section 8.03(d) herein no mobile home shall be placed or occupied in this district.
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- h) Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.
- i) The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or

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- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxondonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

**SECTION 8.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Low Density Residential District (R-2).

- a) **Lot Area** - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than twenty thousand (20,000) square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Resolution.
- b) **Lot Frontage** - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot width prescribed in Section 7.06 of this Resolution and all measurements of such width shall be in conformity with that Section.

- c) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, church spires, domes and flag poles are exempted from any height regulation and may be erected to any safe height. No windmills, aerials, antennas 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.
- d) **Building Dimensions (Floor Space Requirements)** - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand (1,000) square feet except on existing town lots in the hamlets of Lewis Center, Africa, and Orange Station and the existing subdivision known as Arnold Place where the minimum required square footage of living area shall be eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) **Side Yard Setback** - No building or structure shall be located closer than twenty (20) feet to any side lot line.
- g) **Rear Yard Requirement** - No principal dwelling shall be located closer than sixty-five (65) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- j) **Signs** - Except as provided under the provisions of this Article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

**ARTICLE IX - MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3)**

**SECTION 9.01 - PURPOSE:** There is hereby created in Orange Township a Medium Density Residential District to permit a diversity of residential plans including single and/or multi-family units carved out of small tracts of not more than ten (10) acres in area served by central sewer and water systems. Use of this district should be limited to those circumstances where large numbers of units are not involved and provisions for recreation, etc. are not a prerequisite to the preservation of the quality of life.

**SECTION 9.02 - APPLICATION:** All lands within Orange Township which are to be used for multi-family or apartment development shall be controlled and governed by the provisions of this Article of the Zoning Resolution unless the owner thereof elects to apply the provisions of Article X and/or Article XI of this Resolution or unless the size of the tract or density is so large that, in the opinion of the Zoning Commission, provisions for recreation areas or other amenities are required, in which case the board may require that the application be filed under Article X and/or Article XI.

**SECTION 9.03 - PERMITTED USES:** Within any Medium Density Residential District (R-3) the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted.

- a) Single family dwelling.
- b) Accessory buildings and accessory uses incidental to the principal building or use, including private garages.
- c) Multi-family, or common wall structures designed to accommodate more than one (1) family in a single structure, provided, however, that no more than four (4) dwelling units shall be constructed in any single structure or other modification on the same theme within this district.
- d) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning certificate of compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**SECTION 9.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
  - 4) No more than one (1) non-resident employee shall work on said premises.
  - 5) Services may be rendered on the premises or elsewhere.
  - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street

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parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
  - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b)** Churches or other places of worship provided they occupy a lot of not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
  - c)** Playgrounds, play fields, picnic areas and summer camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.
  - d)** Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state and local agencies. In

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addition to all other conditions deemed necessary the Board of Zoning Appeals shall require that no exterior alterations of the structure be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

- e) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
    - (b) Existing and proposed drainage of the area.
    - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
    - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one



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(1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.

- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 9.05 - PROHIBITED USES:** Within any Medium Density Residential District (R-3) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than 24 hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall

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of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

- d)** No sales trailers of any type shall be permitted
- e)** No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f)** Except as specifically permitted in Section 9.03(d) herein no mobile home shall be placed or occupied in this district.
- g)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- h)** Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.
- i)** The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or

- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxodonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

**SECTION 9.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Medium Density Residential District (R-3).

- a) **Lot Area** - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than fifteen thousand (15,000) square feet per dwelling unit. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Resolution. Not more than one principal structure may be constructed on any parcel herein.
- b) **Lot Frontage** - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot width of seventy-five (75) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot frontage prescribed in Section 7.06 of this Resolution and all measurements of such width shall be in conformity with that section.
- c) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerials, antennas 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.

- d) **Building Dimensions** - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand (1,000) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	1,000 sq. ft.

- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) **Side Yard Setback** - No building or structure shall be located closer than twelve and one half (12½) feet to any side lot line.
- g) **Rear Yard Requirement** - No principal dwelling shall be located closer than thirty-five (35) feet to the rear line of any lot and no accessory building shall be located closer than five (5) feet to said rear lot line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- j) **Signs** - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

**ARTICLE X - SINGLE FAMILY PLANNED RESIDENTIAL DISTRICT (SFPRD)**

**SECTION 10.01 - PURPOSE:** The township, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the Single Family Planned Residential District to promote the variety and flexibility of land development for single family residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township.

**SECTION 10.02 - APPLICATION:** The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

**SECTION 10.03 - PERMITTED USES:** Within the Single Family Planned Residential District (SFPRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Single family dwelling.
- b) Accessory buildings and accessory uses incidental to the principal building or use.
- c) Single family cluster housing. For purposes of this section, "cluster housing" shall mean a residential development wherein the overall density is consistent with the Single Family Planned Residential District but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby maintaining the remainder of the tract as a permanent, common, open space. Cluster housing does not permit any increase in the permitted densities of the Single Family Planned Residential District.
- d) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Single Family Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- e) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning

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inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

- f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.
- g) Golf course community that includes a public or private golf course with all buildings and club houses incident thereto, integrated with residential uses permitted by this Section 10.03 and/or multi-family residential structures as described in Section 11.03 a). The golf course shall be subsidiary to the primary residential use of the property.

**SECTION 10.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) **Home Occupations** conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if

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mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

- 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

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

- 1) Hours of operation: All model homes shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.
- 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with those found on surrounding homes.
- 3) Parking: All model homes shall provide off- street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
- 4) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
- 5) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the lots therein.

c) **Rental Complex Offices** - One (1) rental office shall be allowed within a rental complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:

- 1) Hours of operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be



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open on Sunday before 12:00 noon.

- 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with those found on surrounding homes.
  - 3) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in Article XXI.
  - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- d) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) **Yard Requirements**. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.

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- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
- (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - (b) Existing and proposed drainage of the area.
  - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
  - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
  - (e) Spoil banks shall be graded to a level suiting the existing terrain.
  - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
  - (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
  - (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
  - (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.

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- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 10.05 - PROHIBITED USES:** Within the Single Family Planned Residential District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No sales trailers of any type shall be permitted
- e) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f) Except as specifically permitted in Section 10.03(e) or in the approved development plan no mobile home shall be placed or occupied in this district.
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- h) Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.

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- i) The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxondonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

**SECTION 10.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the

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zoning map be amended to include such area in the Single Family Planned Residential District in accordance with the provisions of this Resolution.

- 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.
- b) Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:
- 1) The size and location of the property proposed to be rezoned to this Single Family Planned Residential District.
  - 2) The general development character of the property proposed to be rezoned to this Single Family Planned Residential District, including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
  - 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 8) Location of schools, parks and other facility sites, if any.
  - 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 10) If the proposed timetable for development includes developing the property proposed to be rezoned to this Single Family Planned Residential District in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give

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township officials definitive guidelines for approval of future phases. Each phase, including the first, shall include a minimum of five (5) acres of property or the whole property, whichever is smaller.

- 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Single Family Planned Residential District and the engineering feasibility of the development plan.
  - 12) Specific statements of divergence from the development standards in Article XXI and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
  - 14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate:
    - (a) The net density and gross density of the proposed development.
    - (b) The design concept of the location, shape, size, and height of existing and proposed buildings.
    - (c) The existing and proposed landscape.
    - (d) Parking areas.
    - (e) Floor areas and elevations of typical units.
    - (f) Location and description of adjacent buildings within two hundred (200) feet from the boundary of the proposed development.
    - (g) The location and amount and status of required open space.
    - (h) Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Article X.
- c) **Criteria for Approval** - In approving an application for a Single Family Planned Residential District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive

plan or portion thereof as it may apply.

- 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided and the property shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) **Extension of Time or Modification** - An extension of the time limit or a minor change to the approved development plan may be approved by the Orange Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- 1) No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.
  - 2) Unless approved by a unanimous resolution of all the members elected to the Orange Township Board of Trustees, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;
    - (f) A reduction of off-street parking and loading space;

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- (g) A reduction in required pavement widths;
  - (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- 3) Application: Seven (7) copies of an application for an extension of the time limit or a minor change to the approved development plan shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- 4) Hearing: The Orange Township Board of Trustees shall fix a reasonable time for the public hearing of an application for an extension of the time limit or a minor change to the approved development plan. At this hearing, any party may appear in person or by attorney.
- 5) Notice: Notice of the application for a request for an extension of the time limit or a minor change to the approved development plan and the hearing thereon shall be given by the Orange Township Board of Trustees as follows:
- (a) Written notice by ordinary mail shall be sent to all property owners within two hundred (200) feet of the exterior boundaries of the land subject to the approved development plan.
  - (b) Signage shall be posted at the property that is subject to the approved development plan at least ten (10) days prior to the date of such hearing.
  - (c) Notice of the hearing shall be posted on the Orange Township web site at least ten (10) days prior to the date of such hearing.
  - (d) The failure of delivery of any of the above notice shall not invalidate the decision of the Orange Township Board of Trustees regarding the application.
- f) **Plat Required** - In the Single Family Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- 1) Site arrangement, including building setback lines and space to be



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built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.

- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.

- g) Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the zoning inspector, the Zoning Commission and the township trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**SECTION 10.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Single Family Planned Residential District.

- a) Intensity of Use** - The maximum density shall be two (2) dwelling units per gross acre of area within the area to be developed.
- 1) Exception - Adjacency to Pre-existing Developments. In regard to a Single Family Planned Residential District development within Orange Township which is located contiguous to or directly across the street from an existing single family residential project situated within Orange Township or another township, city or village, which existing project has a maximum density in excess of that otherwise permitted, the number of permitted dwelling units per gross acre may be increased to a density equal to 2/3 that of the adjoining development.

2) Maximum Units on any Single Acre. Except in the case of a cluster development under Section 10.08, and multi-family areas of a golf course community under Section 10.09, the maximum number of dwelling units on any single acre shall not exceed three (3).

b) **Open Space** - At least twenty percent (20%) of the total gross acreage of the Single Family Planned Residential District must be devoted to open space. Open space shall be designated upon the development plan as “Maintained Passive Open Space”, “Recreational Open Space” and “Unmaintained Passive Open Space” upon the basis of the definitions, purposes, requirements and conditions set forth in Section 4.01 of this Resolution, excepting that, notwithstanding anything contained in Section 4.01 to the contrary, public or private golf courses, with all buildings and club houses incident thereto, may be designated as “recreational open space” when integrated into a golf course community as permitted by this chapter. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to use by residents of the property within the Single Family Planned Residential District. Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required.

The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Single Family Planned Residential District shall be dedicated to, and permanently owned by, a homeowners' association that shall have title to the land for the use of each owner who buys property within the development. Such open space shall be used only for the purposes for which it is designated upon the approved development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Single Family Planned Residential District. All open space shall be prohibited from further subdivision or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township

attorney.

- c) **Lot Width** - There shall be a lot width of seventy-five (75) feet or more at the front line of the dwelling, and such lot shall have access to and abut on an adjoining approved street or road for a distance of sixty (60) feet or more.
- d) **Lot Depth** - There shall be a lot depth of one hundred thirty-five (135) feet or more extending from the front line of the lot to the rear line of the lot.
- e) **Side Yard Setback** - No building or structure shall be located closer than twelve and one half (12 1/2) feet to any side lot line, and the total of the side yards shall be twenty-five (25) feet or more.
- f) **Building Setback** - No building or use shall be located closer to the right-of-way line or centerline of the adjacent public or private road than permitted in Section 21.09 herein.
- g) **Rear Yard Requirement** - No structure shall be located closer than thirty-five (35) feet to the rear line of any lot. Children's play sets shall be exempt from this restriction if located at least five (5) feet from the rear line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. 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 vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- j) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- k) **Signs** - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign

shall not exceed six (6) square feet in area on each side.

- l) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height.
- m) **Building Dimensions** - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand (1000) square feet. All such living areas shall be exclusive of basements, porches or garages.
- n) **Mobile Home Development Standards** - In the event mobile homes are included as a type of residence within this district construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Associations, any State or Federal standards established on said subject or any requirement approved or imposed in the plan of development.
- o) The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**SECTION 10.08 - SINGLE FAMILY CLUSTER HOUSING DEVELOPMENT STANDARDS; CRITERIA FOR APPROVAL:** In addition to the provisions of Section 10.07 and any other provisions of this Resolution, the following standards for arrangement and development of lands and buildings and criteria for approval are required for Single Family Planned Residential Districts involving cluster housing:

- a) **Development Standards:**
  - 1) **Attached Dwellings** - Attached single family residential dwellings shall be attached by one (1) of the following means:
    - (a) Through a common party wall which does not have more than a seventy percent (70%) of plan view overlay of any wall in common with an abutting dwelling wall;
    - (b) By means of an architectural wall which does not form an interior room space; or
    - (c) Through a common party wall in only the garage portion of the abutting unit.

The number of units so attached shall not exceed four (4).

- 2) **Minimum Project Area** - The gross area of a tract of land to be developed within a cluster housing development shall be a minimum of ten (10) acres. The maximum number of dwelling units on any single acre shall not exceed eight (8).
  - 3) **Yard Requirements** - There shall be a minimum distance of twenty-five (25) feet between the front of any structure and the public or private street right-of-way. There shall be a total side yard of twenty-five (25) feet or more for each structure with a minimum of twelve and one half (12½) feet on each side. Structures must be located so that at least twenty-five (25) feet is maintained between them. The rear yards of the cluster development shall be at least thirty-five (35) feet from an adjoining property.
  - 4) **Utilities** - All electric, telephone, cable television and similar utility systems shall be located underground.
  - 5) **Common Open Space** - The common open space shall be designated and designed in accordance with the following:
    - (a) The common space should preserve the most environmentally sensitive portions of the site, including any streams, ravines, wooded areas, and/or wetlands.
    - (b) The common open space should be contiguous and located so as to be accessible to the residential development.
    - (c) The open space shall be, where possible, integrated within the design of the residential development, with portions of the open space located adjacent to all areas of housing.
  - 6) **Special Conditions** - The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of such common open space; and any other pertinent development characteristics.
- b) **Criteria for Approval:** In approving an application for a Single Family Planned Residential District involving cluster housing, the reviewing authorities shall determine; in addition to the Criteria for Approval set forth in Section 10.06 c):

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- 1) That the proposed development will preserve and enhance the health, safety, and general welfare of the inhabitants of Orange Township.
- 2) That the proposed building or use will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking and utility facilities.
- 3) That the proposed cluster housing development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the present use of neighboring property.
- 4) That the proposed cluster housing development will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, water and sewers, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- 5) That the proposed cluster housing development will not result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.
- 6) That the open space area of such development equals or exceeds the lot reduction area occurring as a result of the use of cluster housing.
- 7) That all land (in common open space) and improvements will be established and maintained as required in the development standards.

**SECTION 10.09 - GOLF COURSE COMMUNITY DEVELOPMENT STANDARDS; CRITERIA FOR APPROVAL:** Except as hereinafter provided, the following development standards for arrangement and development of a Single Family Planned Residential District involving a golf course community shall be in addition to the provisions of Section 10.07 and any other provisions of this Resolution. The following criteria for approval of a Single Family Planned Residential District involving a golf course community shall be in addition to the provisions of Section 10.06 and any other provisions of this Resolution.

**a) Development Standards:**

- 1) **Relationship to Section 10.07:** The entire golf course community shall be developed in accordance with Sections 10.07 a) and b), except that, notwithstanding anything contained in Section 10.07 b) to the contrary:
  - (a) The golf course, in its' entirety, shall be designated as "recreational open space" on the development plan. The portion of the open space that is intended to be used as a golf course shall be so identified on the development plan and may be leased to

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a secondary entity for the development of the golf course, but the use shall remain as open space in perpetuity and shall not be conveyed by the homeowner's association to any entity other than the township, if such conveyance is mutually agreed. If the golf course is leased, and the golf course use is abandoned for a continuous period of two (2) years or more, the possession of the golf course, including all buildings, structures and improvements, shall revert to the homeowner's association. Unless conveyance to the township occurs, the perpetual care and maintenance of the golf course shall be the ultimate responsibility of the homeowner's association.

- (b) Additional open space, beyond that which must otherwise be provided, shall be required if access to the golf course area by residents of the golf course community is restricted or requires payment of a fee, other than mandatory fees uniformly applied and imposed on all property owners within the golf course community as an incident of their ownership of property within the golf course community (i.e., home owner's association fees, assessments, etc.). This open space shall be in addition to the area of the golf course, provided, however, that such additional open space shall not be required to exceed ten percent (10%) of the total gross acreage of the non-golf course portion of the golf course community.
  - (c) All open space, including the golf course area of the open space, shall be prohibited from further subdivision or development.
  - (d) Sub-sections 10.09 a)(1)(a) and (c) shall be implemented by a placement of the golf course area of the open space in a reserve and notation on the final plat, or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township attorney.
- 2) **Single Family Portions:** Single family areas of a golf course community shall be developed in compliance with the development standards set forth in Sections 10.07 c) through p) inclusive.
  - 3) **Multi-Family Portions:** Multi-family areas of a golf course community shall be developed in compliance with the development standards set forth in Section 11.07 b) and Sections 11.07 d) through j) inclusive.
  - 4) **Building and Club House Setback from Residential Lots:** All buildings and club houses of the golf course shall be located not less

than two hundred (200) feet from any residential lot line.

- b) **Criteria for Approval:** In approving an application for a Single Family Planned Residential District involving a golf course community, the reviewing authority shall determine, in addition to the criteria for approval set forth in Section 10.06 c):
- 1) That the proposed development will preserve and enhance the health, safety and general welfare of the inhabitants of Orange Township.
  - 2) That the proposed golf course community will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking or utility facilities.
  - 3) That the proposed golf course community will be constructed, arranged, and operated so as not to interfere with the present use of the neighboring property.
  - 4) That the proposed golf course community will be served adequately by essential public facilities and services, such as highways, streets, parking spaces, drainage structures, water and sewers, or that the persons or agencies responsible for the establishment of the golf course community will provide adequately for such facilities and services.
  - 5) That the proposed golf course community will not result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.



**ARTICLE XI - MULTI-FAMILY PLANNED RESIDENTIAL DISTRICT (MFPRD)**

**SECTION 11.01 - PURPOSE:** The township, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the Multi-Family Planned Residential District to promote the variety and flexibility of land development for multi-family residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township.

**SECTION 11.02 - APPLICATION:** The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

**SECTION 11.03 - PERMITTED USES:** Within the Multi-Family Planned Residential District (MFPRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Multi-family residential structures of any type having two (2) or more dwelling units per structure, including but not limited to attached, modular, patio, common wall or any reasonable variation on the same theme.
- b) Accessory buildings and accessory uses incidental to the principal building or use.
- c) Multi-family cluster housing. For purposes of this section, "cluster housing" shall mean a residential development wherein the overall density is consistent with the Multi-Family Planned Residential District but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby maintaining the remainder of the tract as a permanent, common, open space. Cluster housing does not permit any increase in the permitted densities of the Multi-Family Planned Residential District.
- d) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Multi-Family Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- e) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said

structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

- f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more that three (3) consecutive days.

**SECTION 11.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

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

- 1) Hours of operation: All model homes shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.

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- 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with lighting found on surrounding homes.
  - 3) Parking: All model homes shall provide off- street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
  - 4) Screening and Trash Receptacles: Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of Use: The use of model homes within a residential development shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the units or lots therein.
- b) **Sales Offices** which are not model homes, but rather located within a permanent structure such as a clubhouse or community building. A sales office may be used only by a builder/developer selling homes located in the residential development within which the sales office is located and the sales office shall be staffed only by the builder/developer's sales force. Sales offices shall be subject to the following restrictions:
- 1) Hours of operation: All sales offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No sales office shall be open on Sunday before 12:00 noon.
  - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining properties. all off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the sales office, except that which is in character with the clubhouse or community building and security lighting for the building.
  - 3) Parking: All sales offices shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per sales office.

- 4) Screening and Trash Receptacles: Landscape drawings shall be required and show adequate landscaping and screening from adjoining lots. Trash receptacles shall be provided around the sales office for use by the public.
  - 5) Termination of Use: The use of sales offices within a residential development shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the units or lots therein.
- c) **Rental Complex Offices** - One (1) rental office shall be allowed within a rental complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:
- 1) Hours of operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.
  - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with lighting found on surrounding homes.
  - 3) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in Article XXI.
  - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- d) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.

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- 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
- 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
  - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - (b) Existing and proposed drainage of the area.
  - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
  - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
  - (e) Spoil banks shall be graded to a level suiting the existing terrain.
  - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.

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- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 11.05 - PROHIBITED USES:** Within the Multi-Family Planned Residential District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No sales trailers of any type shall be permitted
- e) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f) Except as specifically permitted in Section 11.03(e) or in the approved development plan no mobile home shall be placed or occupied in this district.

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- g)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- h)** Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.
- i)** The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodylia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example,

white-tailed deer, elk, antelope and moose), elephant (*Elephas* or *Lox-ondonta*), gamecocks and other fighting birds, hippopotamus (*Hippopotamidae*), hyena (*Hyaenidae*), jaguar (*Panthera Onca*), leopard (*Panthera Pardus*), lion (*Panthera Leo*), lynx (*Lynx*), ostrich (*Struthio*), pirahna fish (*Characidae*), puma (*Felis Concolor* -also known as cougar, mountain lion and panther), rhinoceros (*Rhinocero Tidae*), snow leopard (*Panthera Uncia*) and tiger (*Panthera Tigris*); or

- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

**SECTION 11.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the zoning map be amended to include such area in the Multi-Family Planned Residential District in accordance with the provisions of this Resolution.

- 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.

- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:

- 1) The size and location of the property proposed to be rezoned to this Multi-Family Planned Residential District.
- 2) The general development character of the property proposed to be rezoned to this Multi-Family Planned Residential District, including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
- 5) The proposed provisions for water, sanitary sewer and surface drain-



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age with engineering feasibility studies or other evidence of reasonableness.

- 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 8) Location of schools, parks and other facility sites, if any.
- 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 10) If the proposed timetable for development includes developing the property proposed to be rezoned to this Multi-Family Planned Residential District in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole property (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Multi-Family Planned Residential District and the engineering feasibility of the development plan.
- 12) Specific statements of divergence from the development standards in Article XXI and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
- 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- 14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate:
  - (a) The net density and gross density of the proposed development.
  - (b) The design concept of the location, shape, size, and height of existing and proposed buildings.
  - (c) The existing and proposed landscape.
  - (d) Parking areas.

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- (e) Floor areas and elevations of typical units.
  - (f) Location and description of adjacent buildings within two hundred (200) feet from the boundary of the proposed development.
  - (g) The location and amount and status of required open space.
  - (h) Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Article XI.
- c) **Criteria for Approval** - In approving an application for a Multi-Family Planned Residential District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided and the property shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) **Extension of Time or Modification** - An extension of the time limit or a minor change to the approved development plan may be approved by the Orange Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- 1) No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.

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- 2) Unless approved by a unanimous resolution of all the members elected to the Orange Township Board of Trustees, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
  - (a) A change in the use or character of the development;
  - (b) An increase in overall lot coverage of structures and off-street parking;
  - (c) An increase in the density;
  - (d) An increase in the problems of traffic circulation and public utilities;
  - (e) A reduction in approved open space;
  - (f) A reduction of off-street parking and loading space;
  - (g) A reduction in required pavement widths;
  - (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- 3) Application: Seven (7) copies of an application for an extension of the time limit or a minor change to the approved development plan shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- 4) Hearing: The Orange Township Board of Trustees shall fix a reasonable time for the public hearing of an application for an extension of the time limit or a minor change to the approved development plan. At this hearing, any party may appear in person or by attorney.
- 5) Notice: Notice of the application for a request for an extension of the time limit or a minor change to the approved development plan and the hearing thereon shall be given by the Orange Township Board of Trustees as follows:
  - (a) Written notice by ordinary mail shall be sent to all property owners within two hundred (200) feet of the exterior boundaries of the land subject to the approved development plan.

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- (b) Signage shall be posted at the property that is subject to the approved development plan at least ten (10) days prior to the date of such hearing.
  - (c) Notice of the hearing shall be posted on the Orange Township web site at least ten (10) days prior to the date of such hearing.
  - (d) The failure of delivery of any of the above notice shall not invalidate the decision of the Orange Township Board of Trustees regarding the application.
- f) **Public Service Facilities Required** - In no event shall any zoning permit be issued for any building or use in the Multi-Family Planned Residential District until such time as the public service facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the development or phase of the development in which the building or use is located, are completed.
- g) **Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the zoning inspector, the Zoning Commission and the township trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**SECTION 11.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Multi-Family Planned Residential District.

- a) **Intensity of Use** - Subject to the exception set forth in Section 11.07a)1), the maximum density shall be four (4) dwelling units per gross acre of area within the area to be developed.
  - 1) Exception - Adjacency to Pre-existing Developments. In regard to a Multi-Family Planned Residential District development within Orange Township which is located contiguous to or directly across the street from an existing multi-family residential project situated within Orange Township or another township, city or village, which existing project has a maximum density in excess of that otherwise permitted, the number of permitted dwelling units per gross acre may be increased to a density equal to 2/3 that of the adjoining development.
- b) **Maximum Units on Any Single Acre** - The maximum number of dwelling units on any single acre shall not exceed eight (8).
- c) **Open Space** - At least twenty percent (20%) of the total gross acreage of the Multi-Family Planned Residential District must be devoted to open space.

Open space shall be designated upon the development plan as “Maintained Passive Open Space”, “Recreational Open Space” and “Unmaintained Passive Open Space” upon the basis of the definitions, purposes, requirements and conditions set forth in Section 4.01 of this Resolution. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to use by all residents of property within the Multi-Family Planned Residential District. Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required.

The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Multi-Family Planned Residential District shall either be held in corporate ownership by owners of the project area, for the use of each person who buys or leases property within the development, or be dedicated to a homeowners' association that shall have title to the land. Such open space shall be used only for the purposes for which it is designated upon the approved development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Multi-Family Planned Residential District. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Multi-Family Planned Residential District. All open space shall be prohibited from further subdivision or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township attorney.

**d) Arrangement of Structures**

- 1) Setbacks - The physical relationships of dwelling units, non-dwelling

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structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXI unless variance therefrom is approved.

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

e) **Building Dimensions** - Each multi-family dwelling hereafter erected in this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	1,000 sq. ft.

f) **Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted for administrative review. 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 vacant 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** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

h) **Signs** - Except as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

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

**ARTICLE XII - NEIGHBORHOOD OFFICE DISTRICT (C-1)**

**SECTION 12.01 - PURPOSE:** It is the intention of the township to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented office facilities which are small, pleasant, safe and convenient to the neighborhood.

**SECTION 12.02 - APPLICATION:** The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**SECTION 12.03 - PERMITTED USES:** Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- b) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- c) Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- d) Other offices, similar in nature or character, as determined by the Zoning Commission.
- e) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

**SECTION 12.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) Single family residences provided the same contain at least one thousand (1,000) square feet of living area exclusive of porches, garages and basements.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	1,000 sq. ft.

- c) Kindergarten or child care facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- d) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County



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and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.

- 3) **Yard Requirements.** An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) **Rehabilitation Plan - Extraction** shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
  - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - (b) Existing and proposed drainage of the area.
  - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
  - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
  - (e) Spoil banks shall be graded to a level suiting the existing terrain.
  - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
  - (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper

drainage without excessive soil erosion, and shall otherwise comply with these requirements.

- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 12.05 - PROHIBITED USES:** Within the Neighborhood Office District (C-1) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) The outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.
- d) No sales trailers of any type shall be permitted
- e) Except as specifically permitted in Section 12.03(e) herein no mobile home or mobile office structure shall be placed or occupied in this district.
- f) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or

cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

**SECTION 12.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established:

- a) **Building Size** - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) **Lot Size** - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) **Lot Width** - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) **Building Height** - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.
- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) **Side Yard** - Except as otherwise provided in Article XXI, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) **Rear Yard** - Except as otherwise provided in Article XXI, no building or structure shall be located closer than thirty (30) feet to the rear lot line of any lot.
- h) **Screening** - All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) **Parking** - Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) **Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

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- k) Freight Loading Area** - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Landscape Plan** - When any use abuts on U.S. Route 23 or on a Class A or Class B road as defined in Section 21.09 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning Commission, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.
- m)** The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.

**ARTICLE XIII - NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)**

**SECTION 13.01 - PURPOSE:** It is the intent of the township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

**SECTION 13.02 - APPLICATION:** The provisions of this article shall apply to all areas zoned neighborhood commercial as of the date of adoption of this amendment and all existing legal neighborhood commercial uses on lands now zoned neighborhood commercial within the township shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**SECTION 13.03 - PERMITTED USES:** Within the Neighborhood Commercial District (C-2) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted provided that all activities and transactions, except off street parking and loading/unloading shall be conducted within a closed building.

- a) Retail stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carryouts, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and dry-cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.
- b) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental, or optical fields, accountants, architects and engineers.
- c) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- d) Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.

- e) Other business, similar in nature or character as determined by the Zoning Commission.
- f) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

**SECTION 13.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) Single family residences provided the same contain at least one thousand (1,000) square feet of living area exclusive of porches, garages and basements.
- b) Apartments in areas over or adjacent to the commercial storeroom or office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom unit	1,000 sq. ft.

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- c) Kindergarten or child care facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- d) Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses.
- e) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
    - (b) Existing and proposed drainage of the area.

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- (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
- (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 13.05 - PROHIBITED USES:** Within the Neighborhood Commercial District (C-2) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.



- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.
- d) No sales trailers of any type shall be permitted
- e) Except as specifically permitted in Section 13.03 (f) herein no mobile home or mobile structure shall be placed or occupied in this district.
- f) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

**SECTION 13.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) **Building Size** - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) **Lot Size** - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) **Lot Width** - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) **Building Height** - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.
- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.

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- f) **Side Yards** - Except as otherwise provided in Article XXI, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) **Rear Yards** - Except as otherwise provided in Article XXI, no building or structure shall be located closer than thirty (30) feet to the rear line of any lot.
- h) **Screening** - All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) **Parking** - Off street parking shall be provided, within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) **Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) **Freight Loading Area** - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) **Landscape Plan** - When any use abuts on U.S. Route 23 or on a Class A or Class B road as defined in Section 21.09 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning Commission, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.
- m) The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.

**ARTICLE XIV - PLANNED COMMERCIAL AND OFFICE DISTRICT (PC)**

**SECTION 14.01 - PURPOSE:** The township recognizing that with increased urbanization and population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township.

**SECTION 14.02 - APPLICATION:** The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

**SECTION 14.03 - PERMITTED USES:** Within the Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and office establishments of all types developed and maintained in accordance with the approved development plan.
- b) Community facilities such as libraries, offices or educational facilities operated by a public agency, government or private entity.
- c) Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes, hospices and convalescence homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Public or private golf courses, country clubs, hunt clubs, sportsmen's clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.
- h) Other commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.

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- i) Wholesale business, storage and warehouse, excepting public storage unit facilities also known as "mini-warehouses."
- j) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

**SECTION 14.04 - CONDITIONAL USES:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the Orange Township Board of Trustees.

**SECTION 14.05 - PROHIBITED USES:** Within the Planned Commercial and Office District (PC) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- d) No sales trailers of any type shall be permitted

- e) Except as specifically permitted in Section 14.03(j) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.
- f) Residential use of any kind.
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

**SECTION 14.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the zoning map be amended to include such area in the Planned Commercial and Office District in accordance with the provisions of this Resolution.
  - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.
- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:
  - 1) The size and location of the property proposed to be rezoned to this Planned Commercial and Office District.
  - 2) The general development character of the property proposed to be rezoned to this Planned Commercial and Office District, including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed

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signs with proposed control procedures.

- 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
  - 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 8) Location of parks and other public facility sites, if any.
  - 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 10) If the proposed timetable for development includes developing the property proposed to be rezoned to this Planned Commercial and Office District in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases. Each phase, including the first, shall include a minimum of five (5) acres of property or the whole property, whichever is smaller.
  - 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Planned Commercial and Office District and the engineering feasibility of the development plan.
  - 12) Specific statements of divergence from the development standards in Articles XXI, XXII and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) **Criteria for Approval** - In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

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- 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided and the property shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) **Extension of Time or Modification** - An extension of the time limit or a minor change to the approved development plan may be approved by the Orange Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- 1) No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.
  - 2) Unless approved by a unanimous resolution of all the members elected to the Orange Township Board of Trustees, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;

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- (f) A reduction of off-street parking and loading space;
  - (g) A reduction in required pavement widths;
  - (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- 3) Application: Seven (7) copies of an application for an extension of the time limit or a minor change to the approved development plan shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- 4) Hearing: The Orange Township Board of Trustees shall fix a reasonable time for the public hearing of an application for an extension of the time limit or a minor change to the approved development plan. At this hearing, any party may appear in person or by attorney.
- 5) Notice: Notice of the application for a request for an extension of the time limit or a minor change to the approved development plan and the hearing thereon shall be given by the Orange Township Board of Trustees as follows:
- (a) Written notice by ordinary mail shall be sent to all property owners within two hundred (200) feet of the exterior boundaries of the land subject to the approved development plan.
  - (b) Signage shall be posted at the property that is subject to the approved development plan at least ten (10) days prior to the date of such hearing.
  - (c) Notice of the hearing shall be posted on the Orange Township web site at least ten (10) days prior to the date of such hearing.
  - (d) The failure of delivery of any of the above notice shall not invalidate the decision of the Orange Township Board of Trustees regarding the application.
- f) **Plat Required** - In the Planned Commercial and Office District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance



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with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.
- g) Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the zoning inspector, the Zoning Commission and the Orange Township Board of Trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**SECTION 14.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards are required in this district.

- a) Fire and Explosion Hazards** - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution** - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

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- c) **Glare, Heat and Exterior Light** - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- d) **Dust and Erosion** - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) **Liquid or Solid Wastes** - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) **Vibrations and Noise** - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- g) **Odors** - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- h) **Setbacks** - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- i) **Building Height Limits** - No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.
- j) **Building Dimensions** - Buildings may contain such area of floor space as is approved in the development plan.
- k) **Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. All such landscaping shall be maintained and kept in accordance with the landscape

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plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.

- l) Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- m) Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- n) Tract Coverage** - The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.
- o)** The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- p)** The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.

**ARTICLE XV - PLANNED ELDERLY RESIDENTIAL DISTRICT (PERD)**

**SECTION 15.01 - PURPOSE:** The township recognizes that with increased urbanization and population growth comes increased demand for a range of residential opportunities specifically planned and developed for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, or nursing home care.

While recognizing that these needs may be provided for in a Planned Commercial and Office District (PC), the township hereby provides for creation of a Planned Elderly Residential District (PERD) zoning classification to address these needs in areas adjacent to single family residential development, thus protecting the residential character and property values of such development and preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township while promoting a broader variety and flexibility of land development to meet this demand.

Developments for these persons that are not appropriate for this zoning classification may be considered in a request for a Planned Commercial and Office District (PC).

**SECTION 15.02 - APPLICATION:** The owner of any parcel within the township having a minimum size of ten (10) acres may submit an application for change in the zoning under the provisions of this article of the Zoning Resolution.

**SECTION 15.03 - GENERAL CRITERIA:** The following criteria shall apply to all development within a Planned Elderly Residential District (PERD).

- a) The independent or assisted living housing accommodations to be provided shall be developed, operated and maintained in compliance with the following criteria:
  - 1) Intended and operated for occupancy by persons 55 years of age or older;
  - 2) 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
  - 3) Policies are adopted, published and adhered to concerning these occupancy requirements; and
  - 4) Verification procedures must be in place to verify the 80% occupancy requirement.
  
- b) Independent living facilities may only be incorporated with assisted living and/or nursing home care facilities with a state-approved license for either assisted living or nursing home.

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- c) The ratio of independent living, assisted living and/or nursing home care shall be as stated in the approved development plan.
- d) Nursing home care facilities are permitted only if incorporated with independent living facilities and/or assisted living facilities.

The foregoing criteria shall be interpreted in a manner consistent with the Fair Housing Amendments Act of 1988, 102 Statute 1622, 42 U.S.C.A. 3607, as amended. The owner or operator of the housing accommodations shall be responsible for ensuring and maintaining compliance with all criteria.

**SECTION 15.04 - PERMITTED USES:** Within a Planned Elderly Residential District (PERD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Attached or detached independent living units for occupancy and license, lease or rent by persons meeting the General Criteria listed in Section 15.03. Such structures may be single family or multi family structures.
- b) Assisted living facilities for occupancy by persons meeting the General Criteria listed in section 15.03.
- c) Nursing home care facilities for occupancy by persons meeting the General Criteria listed in Section 15.03, when incorporated with independent living facilities and/or assisted living facilities.
- d) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**SECTION 15.05 – ACCESSORY USES:** The following accessory uses may be permitted when incidental and subordinate to and in association with a principal permitted use within a Planned Elderly Residential District (PERD), provided such accessory use is for the comfort and convenience of, and primarily to be used by, the residents, their staff and guests, and further provided that such accessory uses are specifically set forth in the development plan and standards and approved as accessory uses by the township.

- a) Dwelling units for occupancy by disabled persons who are unable to fully care for themselves.
- b) Cafeterias serving residents of the Planned Elderly Residential District (PERD) and their guests.
- c) Snack and beverage bars serving residents of the Planned Elderly Residential District (PERD) and their guests.
- d) Food service contractors serving residents of the Planned Elderly Residential District (PERD) and their guests.
- e) Private households - independent living residents employing workers primarily concerned with the operation of the household such as cooks, maids, gardeners, caretakers and other maintenance workers.
- f) Services for residents of the Planned Elderly Residential District (PERD) and their guests.
- g) Recreational areas for use only by the residents and their guests and by employees of the facility.
- h) Residences occupied by custodians, guards or resident care providers employed on-site by the facility or its resident(s).
- i) Other accessory uses incidental and specifically related to the convenience and care of residents of the Planned Elderly Residential District (PERD), as approved per the development plan.
- j) Parking and loading areas.

**SECTION 15.06 - CONDITIONAL USES:** Within a Planned Elderly Residential District (PERD) the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically

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provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) **Model Homes**, the same being defined as residential-type structures used as sales offices by a builder/developer and to display the builder/ developer's product. The same may be furnished within, since its purpose is to display to prospective customers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:
- 1) Hours of Operation: All model homes shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.
  - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with lighting found on surrounding homes.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
  - 4) Screening and Trash Receptacles: Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

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- 5) Termination of Use: The use of model homes within a residential development shall terminate when zoning Certificates of Compliance have been issued for ninety percent (90%) of the units or lots therein.
- b) **Rental Complex Offices** - One (1) rental office shall be allowed within a Planned Elderly Residential District (PERD) complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:
- 1) Hours of Operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.
  - 2) Lighting: All exterior lighting must be “downlighting”, so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with lighting found on surrounding homes.
  - 3) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in article XXI and/or this article.
  - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- c) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware



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County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.

- 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
  - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - (b) Existing and proposed drainage of the area.
  - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
  - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
  - (e) Spoil banks shall be graded to a level suiting the existing terrain.
  - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
  - (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper

drainage without excessive soil erosion, and shall otherwise comply with these requirements.

- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
  - (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
  - (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.
- d)** Signs to identify the community by name, address, and telephone number only – one at each entrance to the community. All signs shall conform with the requirements of Article XXII of this zoning resolution.

**SECTION 15.07 - PROHIBITED USES:** within a Planned Elderly Residential District (PERD) the following uses shall be prohibited:

- a)** Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b)** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c)** No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d)** No sales trailers of any type shall be permitted.
- e)** No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.

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- f)** Except as specifically permitted in Section 15.04 f) or in the approved development plan no mobile home shall be placed or occupied in this district.
- g)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- h)** Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.
- i)** The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal. For the purposes of this section, a “wild, dangerous or undomesticated animal” is defined as follows:

  - 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
  - 2) Is a poisonous or venomous animal, insect or arachnid; or
  - 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
  - 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
  - 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
  - 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodylia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family;

for example, white-tailed deer, elk, antelope and moose), elephant (*Elephas* or *Loxodonta*), gamecocks and other fighting birds, hippopotamus (*Hippopotamidae*), hyena (*Hyaenidae*), jaguar (*Panthera Onca*), leopard (*Panthera Pardus*), lion (*Panthera Leo*), lynx (*Lynx*), ostrich (*Struthio*), pirahna fish (*Characidae*), puma (*Felis Concolor* -also known as cougar, mountain lion and panther), rhinoceros (*Rhinocero Tidae*), snow leopard (*Panthera Uncia*) and tiger (*Panthera Tigris*); or

- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

**SECTION 15.08 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township and having a minimum size of ten (10) acres may request that the zoning map be amended to include such area in a Planned Elderly Residential District (PERD) in accordance with the provisions of this Resolution.
  - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.
- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:
  - 1) The size and location of the property proposed to be rezoned to a Planned Elderly Residential District (PERD).
  - 2) The general development character of the property proposed to be rezoned to a Planned Elderly Residential District (PERD), including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

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- 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
- 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 8) Location of schools, parks and other facility sites, if any.
- 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 10) If the proposed timetable for development includes developing the property proposed to be rezoned to a Planned Elderly Residential District (PERD) in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole property (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to a Planned Elderly Residential District (PERD) and the engineering feasibility of the development plan.
- 12) Specific statements of divergence from the development standards in Articles XXI, XXII and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
- 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- 14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate:

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- (a) The gross density of the proposed development, expressed in terms of units per acre, or beds per acre, as appropriate.
  - (b) The design concept of the location, shape, size, and height of existing and proposed buildings.
  - (c) The existing and proposed landscape.
  - (d) Parking areas.
  - (e) Floor areas and elevations of typical units.
  - (f) Location and description of adjacent buildings within two hundred (200) feet from the boundary of the proposed development.
  - (g) The location and amount and status of required open space.
  - (h) Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Article XV.
- c) **Criteria for Approval** - In approving an application for a Planned Elderly Residential District (PERD) the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
  - 4) That the proposed plan meets all of the design features required in this Resolution.
  - 5) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
  - 6) That the proposed development will be compatible in appearance with surrounding land uses.
  - 7) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided and the property shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) **Extension of Time or Modification** - An extension of the time limit or a minor change to the approved development plan may be approved by the Orange Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- 1) No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.
  - 2) Unless approved by a unanimous resolution of all the members elected to the Orange Township Board of Trustees, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;
    - (f) A reduction of off-street parking and loading space;

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- (g) A reduction in required pavement widths;
  - (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- 3) Application: Seven (7) copies of an application for an extension of the time limit or a minor change to the approved development plan shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- 4) Hearing: The Orange Township Board of Trustees shall fix a reasonable time for the public hearing of an application for an extension of the time limit or a minor change to the approved development plan. At this hearing, any party may appear in person or by attorney.
- 5) Notice: Notice of the application for a request for an extension of the time limit or a minor change to the approved development plan and the hearing thereon shall be given by the Orange Township Board of Trustees as follows:
- (a) Written notice by ordinary mail shall be sent to all property owners within two hundred (200) feet of the exterior boundaries of the land subject to the approved development plan.
  - (b) Signage shall be posted at the property that is subject to the approved development plan at least ten (10) days prior to the date of such hearing.
  - (c) Notice of the hearing shall be posted on the Orange Township web site at least ten (10) days prior to the date of such hearing.
  - (d) The failure of delivery of any of the above notice shall not invalidate the decision of the Orange Township Board of Trustees regarding the application.
- f) **Public Service Facilities Required** - In no event shall any zoning permit be issued for any building or use in a Planned Elderly Residential District (PERD) until such time as the public service facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and



public and private streets, for the development or phase of the development in which the building or use is located, are completed.

- g) Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the zoning inspector, the Zoning Commission and the township trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**SECTION 15.09 - DEVELOPMENT STANDARDS:** The development standards for a property within a Planned Elderly Residential District (PERD) shall be as per the approved development plan. To be considered for approval, a proposed development plan shall, at a minimum, provide not less than the following standards, although the approved development plan may require more than these minimums:

- a) Access** - Frontage on, and direct access to, one or more dedicated and improved public roads is required. A minimum of two (2) means of ingress/egress shall be provided. Provision for future connections to other public roads shall be provided as required by the township.
- b) Minimum Tract Size** – The minimum tract size required is 10 acres.
- c) Density** - The maximum permissible density within a Planned Elderly Residential District (PERD) is as follows:
- 1) For independent living units, a maximum of 4 units per gross acre allocated for such use may be considered and the actual density shall be as approved in the development plan and standards.
  - 2) For assisted living and nursing homes, a maximum of 12 residents per gross acre allocated for such use may be considered and the actual density shall be as approved in the development plan and standards.
- d) Maximum Capacity:** The maximum capacity permissible within a Planned Elderly Residential District (PERD) is as follows:
- 1) Independent Living: The maximum permissible for independent living units shall be any two individuals, related or not, living together as a family unit in an independent living unit and shall be as approved in the development plan and standards.
  - 2) Assisted Living: The maximum permissible for assisted living uses shall as provided in the approved development plan and standards.

3) Nursing Home: The maximum permissible for nursing home uses shall as provided in the approved development plan and standards.

e) **Minimum Floor Space Requirements**: The minimum floor space requirements permissible in a Planned Elderly Residential District (PERD) shall be as follows and shall be as provided in the approved development plan and standards.

1) Independent Living - Each single-family detached independent living dwelling in this district shall have a ground floor living area of not less than one thousand (1,000) square feet or as per the approved development plan and standards. Any other independent living dwelling constructed in this district shall have a ground floor living area of not less than the following or as approved per plan, whichever is greater. All such living areas shall be exclusive of basements, porches, sunrooms, decks, or garages.

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	1,000 sq. ft.

2) Assisted Living - Every room occupied for sleeping purposes within an assisted living building in a Planned Elderly Residential District (PERD) shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet required by licensing requirements or law, whichever is greater.

3) Nursing Home - Every room occupied for sleeping purposes within a nursing home building in a Planned Elderly Residential District (PERD) shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet required by licensing requirements or law, whichever is greater.

f) **Open Space** - At least fifty percent (50%) of the total gross acreage of a Planned Elderly Residential District (PERD) must be devoted to open space. Open space shall be designated upon the development plan as “Maintained Passive Open Space”, “Recreational Open Space” and “Unmaintained Passive Open Space” upon the basis of the definitions, purposes, requirements and conditions set forth in Section 4.01 of this Resolution. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space,

having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to use by all residents of property within the Planned Elderly Residential District (PERD). Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required.

The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Planned Elderly Residential District (PERD) shall either be held in corporate ownership by owners of the project area, for the use of each person who buys or leases property within the development, or be dedicated to a homeowners' association that shall have title to the land. Such open space shall be used only for the purposes for which it is designated upon the approved development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Planned Elderly Residential District (PERD). All open space shall be prohibited from further subdivision or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township attorney.

Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Subject to the above limitation, open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses.

- g) Minimum Lot Width** – The minimum lot width at the building line permissible in a Planned Elderly Residential District (PERD) shall be as established in the approved development plan and standards.
- h) Setbacks** - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved development plan and standards and the provisions of Article XXI unless variance therefrom is approved.

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- i) **Walkways and Street Trees** – Walkways shall be required to connect all buildings with open space and to interconnect the open spaces. Street trees shall be placed outside of the right-of-way of all public roads and in the front lawn of the buildings.
- j) **Buffering** - Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the establishment of tree cover or other foliage may be required as necessary to achieve the purpose of the open space and the buffering of adjacent uses.
- k) **Preservation Areas** - Wetlands, steep (over 20%) slopes, forests, 100-year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
- l) **Utilities** - Centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and sanitary sewage disposal systems shall be indicated by the appropriate agencies in the approved development plan.
- m) **Building Design** - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or within the site. All residential roofs must have a minimum pitch of 6:12, unless otherwise provided in the approved development plan and standards.
- n) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height.
- o) **Landscaping** – All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped in accordance with the approved development plan. Final landscape plans shall be submitted for administrative review. All such landscaping shall be maintained and kept in accordance with the approved development plan, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- p) **Parking** - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and

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gress according to the approved development plan and standards. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution, when appropriate, shall be incorporated.

Permanent parking shall be provided outside any road right-of-way as follows:

- 1) Independent Living, including but not limited to residences for guards, security personnel and care providers: 2 spaces per dwelling unit, in the form of an appropriately sized individual driveway, or as provided in the approved development plan and standards. This parking is in addition to any garage space.
  - 2) Assisted Living: As provided in the approved development plan and standards.
  - 3) Nursing Home: As provided in the approved development plan and standards.
- q) **Delivery Areas** – Delivery areas shall be located and screened so as to minimize inconvenience and annoyance of surrounding residential areas.
- r) **Signs** – Signs shall conform to Article XXII, unless otherwise provided in the approved development plan and standards. Exterior signs in this district shall incorporate the following:
- 1) Identification signs must be placed at each entrance to the community.
  - 2) Notwithstanding Section 21.13 of this Zoning Resolution, address numbers must be placed on each building and on each separate independent living residence, be a minimum of three (3) inches high and be easily identifiable from the street. If identification is not possible due to distance from a street, then the number must also be on both sides of a mailbox for that building. If multiple addresses exist for one building, then the numbers must be at each entry and on the façade of each building that faces the road, identifying the addresses of the unit contained in each building.
  - 3) One sign for the permanent office, which shall be permitted only on or above the door to that office, and which shall be no larger than 3 square feet in area. It may display only the office name, address, telephone number, and hours of business.

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- s) **Exterior Lighting** - All exterior lighting shall conform to Section 21.12 of this Zoning Resolution and be as specifically provided in the approved development plan and standards.
- t) **Continued Compliance** - The owner or operator of the housing accommodations in a Planned Elderly Residential District (PERD) shall maintain compliance with the general criteria set forth in Section 15.03. The approved development plan and standards shall specify the person to be responsible for maintaining such compliance. If the person responsible for maintaining compliance is to be changed, the zoning inspector shall be notified at least seven (7) days prior to the effective date of such change. The responsible person shall annually file a statement of compliance with the zoning inspector that warrants that the accommodations are in compliance with the above stated criteria.
- u) **Supplemental Conditions and Safeguards** - The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to: the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

**ARTICLE XVI - INDUSTRIAL DISTRICT (I)**

**SECTION 16.01 - PURPOSE:** The Orange Township Board of Trustees recognize that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this board to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of the township may be preserved.

**SECTION 16.02 - APPLICATION:** The provisions of this article shall apply to all areas zoned Industrial (I) as of the date of adoption of this amendment. All existing legal industrial uses on lands now zoned I within this township shall be considered, for purposes of this Resolution and this zoning district, permitted uses.

**SECTION 16.03 - PERMITTED USES:** Within the Industrial District (I) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business offices.
- f) Enclosed research facilities.
- g) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

**SECTION 16.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) Any manufacturing process not already provided for or prohibited by this Resolution.
- b) Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- c) Petroleum products storage areas.
- d) Freight or trucking terminals.
- e) The outdoor storage, display, processing, repair or sale of raw materials, supplies, equipment or products.
- f) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer



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than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.

- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
  - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - (b) Existing and proposed drainage of the area.
  - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
  - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
  - (e) Spoil banks shall be graded to a level suiting the existing terrain.
  - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
  - (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
  - (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict

between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.

- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 16.05 - PROHIBITED USES:** Within the Industrial District (I) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) No sales trailers of any type shall be permitted
- e) Residential use of any kind.
- f) Except as specifically permitted in Section 16.03(g) no mobile home or mobile office structure shall be placed or occupied in this district.
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

**SECTION 16.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

- a) **Lot Size** - No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.
- b) **Lot Width** - No minimum lot width shall be required, however, the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) **Building Height** - No building shall exceed two (2) stories or thirty-five (35) feet in height.
- d) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- e) **Side Yards** - There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard except with consent of the Board of Zoning Appeals.
- f) **Rear Yards** - No building shall be located closer than thirty (30) feet to the rear line of any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard except with permission of the Board of Zoning Appeals.
- g) **Tract Coverage** - The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.
- h) **Screening** - All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.

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- i) **Parking** - Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) **Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) **Freight Loading Areas** - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) **Performance Standards** - No use shall be conducted within this district which fails to maintain the following standards:
  - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment,

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shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

- 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

**ARTICLE XVII - PLANNED INDUSTRIAL DISTRICT (PI)**

**SECTION 17.01 - PURPOSE:** In the creation of the Planned Industrial District it is the intention and desire of the Orange Township Board of Trustees to provide those reasonable conditions under which well planned industrial areas can develop for the greatest benefit of the entire township and so that the health, safety and general welfare of all inhabitants of Orange Township may be preserved.

**SECTION 17.02 - APPLICATION:** The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

**SECTION 17.03 - PERMITTED USES:** Within the Planned Industrial District (PI) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Manufacturing, processing, warehousing, storage and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District regulations.
- b) Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- d) Borrow pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Orange Township Board of

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Trustees, Delaware County Commissioners and/or the Delaware County Engineer to insure compliance with the restrictions and conditions imposed to insure regrading, reseeding, and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Delaware County Engineer and his comments shall be included in the record regarding the matter.

- e) Sanitary land fills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Orange Township Board of Trustees may require such screening as is necessary to protect adjacent neighborhoods.
- f) Quarries and other activities providing for the removal, processing and sale of natural resources.
- g) Exploration and drilling for oil or gas and production of said products.
- h) Any use of an industrial or commercial nature not already provided for by this Resolution.

**SECTION 17.04 - CONDITIONAL USES:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the Orange Township Board of Trustees.

**SECTION 17.05 - PROHIBITED USES:** Within the Planned Industrial District (PI) the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) Except as approved in the development plan the outdoor storage of any inoperable, unlicensed or unused motor vehicle for a period exceeding seven (7) days is prohibited.
- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- d) No sales trailers of any type shall be permitted
- e) Residential uses of any kind.

- f) Except as specifically permitted in Section 17.03(c) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

**SECTION 17.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the zoning map be amended to include such area in the Planned Industrial District in accordance with the provisions of this Resolution.
  - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.
- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:
  - 1) The size and location of the property proposed to be rezoned to this Planned Industrial District.
  - 2) The general development character of the property proposed to be rezoned to this Planned Industrial District, including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.



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- 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
  - 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 8) Location of parks and other public facility sites, if any.
  - 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 10) If the proposed timetable for development includes developing the property proposed to be rezoned to this Planned Industrial District in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases. Each phase, including the first, shall include a minimum of five (5) acres of property or the whole property, whichever is smaller.
  - 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Planned Industrial District and the engineering feasibility of the development plan.
  - 12) Specific statements of divergence from the development standards in Articles XXI, XXI and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) **Criteria for Approval** - In approving an application for a Planned Industrial District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

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- 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided and the property shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) **Extension of Time or Modification** - An extension of the time limit or a minor change to the approved development plan may be approved by the Orange Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- 1) No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.
  - 2) Unless approved by a unanimous resolution of all the members elected to the Orange Township Board of Trustees, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;
    - (f) A reduction of off-street parking and loading space;
    - (g) A reduction in required pavement widths;

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- (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- 3) Application: Seven (7) copies of an application for an extension of the time limit or a minor change to the approved development plan shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- 4) Hearing: The Orange Township Board of Trustees shall fix a reasonable time for the public hearing of an application for an extension of the time limit or a minor change to the approved development plan. At this hearing, any party may appear in person or by attorney.
- 5) Notice: Notice of the application for a request for an extension of the time limit or a minor change to the approved development plan and the hearing thereon shall be given by the Orange Township Board of Trustees as follows:
  - (a) Written notice by ordinary mail shall be sent to all property owners within two hundred (200) feet of the exterior boundaries of the land subject to the approved development plan.
  - (b) Signage shall be posted at the property that is subject to the approved development plan at least ten (10) days prior to the date of such hearing.
  - (c) Notice of the hearing shall be posted on the Orange Township web site at least ten (10) days prior to the date of such hearing.
  - (d) The failure of delivery of any of the above notice shall not invalidate the decision of the Orange Township Board of Trustees regarding the application.
- f) **Plat Required** - In the Planned Industrial District (PI), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1) Site arrangement, including building setback lines and space to be

built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.

- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.

- g) Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the zoning inspector, the Zoning Commission and the Orange Township Board of Trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**SECTION 17.07 - DEVELOPMENT STANDARDS:** In addition to any development standards imposed or approved as part of the plan of development the following standards shall apply.

- a) Fire and Explosion Hazards** - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution** - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat and Exterior Light** - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

- d) **Dust and Erosion** - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) **Liquid or Solid Wastes** - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) **Vibrations and Noise** - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- g) **Odors** - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- h) **Setbacks** - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- i) **Building Height Limits** - No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.
- j) **Building Dimensions** - Buildings may contain such area of floor space as is approved in the development plan.
- k) **Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. 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 vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.

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- l) Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- m) Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- n) Tract Coverage** - The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.
- o)** The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XVIII – ADULT ENTERTAINMENT**

**SECTION 18.01 – BACKGROUND AND PURPOSE:** The Adult Entertainment Regulations grow out of noted concerns raised by Orange Township concerning the possibility of adult businesses locating in the Township and the potential of resulting ill effects on the Township.

a) **Zoning Authority:** Orange Township, Delaware County, Ohio, pursuant to Ohio Revised code Section 519.02 and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Orange Township. Adult entertainment establishments are a type of land use.

b) **Studies of Sexually Oriented Businesses:** Orange Township has analyzed thirteen studies of sexually oriented businesses in communities that specifically possess relevant conditions and/or conclusions about adverse secondary effects that could also occur in Orange Township. Orange Township believes that the detailed findings of these studies are indicative of the kinds of problems that can occur when adult entertainment establishments locate within a community like Orange Township. The studies which were selected for relevance and appropriateness to Orange Township are the following:

- 1) Effects on Surrounding Area of Adult Entertainment Businesses In Saint Paul, Minnesota, by the Division of Planning, Department of Planning and Economic Development, St. Paul, Minnesota, 1978.
- 2) Adult Entertainment 40-Acre Study, Planning Division, Department of Planning and Economic Development, St. Paul, Minnesota, 1987.
- 3) Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, 1989, Hubert H. Humphrey III, Attorney General, State of Minnesota.
- 4) Sexually Oriented Business Study, Rochester, New York, by Duncan Associates, July 2000.
- 5) Adult Entertainment Businesses In Indianapolis: An Analysis, 1984.
- 6) City of Austin Texas Study of The Time, Place And Manner Regulation of [Adult] Business Activity, by the Special Programs Division of the Office of Land Development Services, Austin Police Department, and Austin Building Inspection Department, 1986.
- 7) A Report on the Secondary Impacts Of Adult Use Businesses in The City of Denver, prepared for Denver City Council by the Zoning Administration, Office of Planning and Development, Department of

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Public Safety, Department of Excise and Licenses, Assessor's Office, and City Attorney's Office, January 1998.

- 8) Study of Adult Businesses and Other Businesses with Adult Materials, Kansas City, Missouri, by Attorney Eric Damian Kelley, Ph.D., AICP and Connie B. Cooper, AICP, April 1998.
- 9) Adult Entertainment Study, Department of City Planning, City of New York, November 1994.
- 10) A Study of Land Use Regulation of Adult Entertainment Establishments, Springfield, Missouri; Department of Community Development, November 1986.
- 11) Adult Use Study, Newport News, Virginia, Department of Planning and Development, March 1986.
- 12) Study of the Effects of the Concentration of Adult Entertainment Establishments in the City Of Los Angeles, by the Los Angeles City Planning Department, June 1977.
- 13) everything you always wanted to know about regulating sex businesses xxx, by Eric Damian Kelley FAICP and Connie Cooper FAICP for the American Planning Association, Planning Advisory Service Report Number 495/496.

**c) Adverse Secondary Impacts of Sexually Oriented Businesses:**

- 1) There is a correlation between sexually oriented businesses and a reduction in appraised property values and an increase in property deterioration to both residential and commercial property values within a 1-3 block surrounding area.
  - (a) The 1984 Indianapolis Study "undertook the quantification of possible effects of the proximity of adult entertainment businesses on the value of residential properties within a 1,000 foot radius of their locations". The study looked at a comparison in property values between the "Control" area and the "Study" area. The "Study" areas were defined areas where adult entertainment establishments were located. The "Control" areas were defined areas similar in nature but outside the areas where adult entertainment uses were established. The study noted that "despite average property values in the Study area being "distinctly higher than the Control Areas, during the period 1979-1982, the Control Area



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showed an average annual appreciation of 24.7%, while the Study Area appreciated only 8.7% annually.

- (b) As reported in the Kelley and Cooper APA report #495/496, a nationwide Survey of MAI appraisers revealed that 78% of respondents indicated that an adult bookstore would have a negative effect on residential property values within one block of the premises. 19% of the appraisers felt this depreciation would be in excess of 20%. 59% of appraisers felt the depreciation would be from 1-20%. 69 % of appraisers also felt that a similar decrease in value would occur to commercial values within one block of an adult bookstore.
  - (c) The Denver study reported that for the period 1994-97 residential properties "showed a loss in value for the ones that abut the adult business block" (page 43 of the study).
- 2) The Denver Study found that 69% of residents surveyed felt that adult entertainment establishments had a negative overall effect on their neighborhood. 23% of residents polled within the study areas in Denver reported they had considered moving to get away from the adverse secondary impacts of adult entertainment establishments (see page 26 of the study). Specific activities observed by those living near adult entertainment establishments included littering, trespassing, and drinking alcohol in public. Litter generated by customers of such businesses includes pornographic printed matter, used condoms, sex paraphernalia and used syringes. Residents also mentioned having seen people urinating, masturbating and soliciting for prostitution in areas adjacent to adult entertainment establishments (page 26 of the study).
  - 3) Patrons of standard businesses that were located in areas of adult entertainment felt less safe going to do business there. (St. Paul 40-Acre Study, 1987).
  - 4) There is a correlation between sexually oriented businesses and significantly increased major crime rates (such as indecent exposure, prostitution, rape, robbery and violent offenses) in the immediate area of sexually oriented businesses.
    - (a) The St Paul 40-Acre Study cited a separate Phoenix, Arizona study, which noted that "on average, in the three study areas, property crimes were 43 percent higher, violent crimes were four percent higher, and sex crimes were 500 percent higher than in the control areas. Moreover, the study area with one of the city's highest concentrations of adult businesses had a

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sex crime rate over 11 times as large as a similar area having no adult businesses. Finally 89 percent of the reported crimes of indecent exposure were committed at the addresses of adult businesses."

- (b) The 1987 St. Paul 40-Acre Study noted that adult entertainment correlates to street prostitution, which leads to other crimes. 70% of all street prostitution in the St. Paul study was located within the "street prostitution zone" which was within the adult entertainment business areas studied. Street prostitution increased within 1-8 pedestrian blocks of sexually oriented businesses.
- (c) In examining the impact of adult entertainment uses in terms of the numerical instance of major crime per 10,000 population, the 1984 Indianapolis Study established a "Control" area and a "Study" area for comparison. The "Control" area closely resembled the "Study" area socially, economically and geographically, but did not have adult entertainment uses. The "Study" area was the area of concentration of adult entertainment uses. The Indianapolis study created a mathematical scoring system to evaluate crime both within and out of the "Study" area. The Indianapolis study noted that:
  - (i) "The average crime rate figure for the Indianapolis Police Department district was 784.55. The Control Area had a rate that was 137.79 higher than the overall police district, whereas the Study area was 204.17 points higher than the control Area. In other words, people living in the Control Area of the study were exposed to a major crime rate in their neighborhoods that was 18% higher than that of the IPD generally" (reference to page 10 of the study).
  - (ii) "Residents of the Study Area, however, were exposed to a major crime rate that was 23% higher than that of the control area and 46% higher than the population of the IPD District as a whole (reference to page 10 of the study).
  - (iii) "The Study Area exhibits a crime rate that is 127% higher than the Control Area in locations that are mixed district - commercial and residential in nature" (reference to page 12 of the study).

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- (iv) "Both the Control and the Study Areas experienced a significantly higher incidence of major crimes/10,000 population than the IPD District as a whole. Much of this increase would be expected given their location in generally older, less affluent and more populous areas of the city. It is more difficult to explain the distinctly higher crime rate in the Study Area as compared to the Control Area- 1,099.51 versus 886.34" (reference page 18 of the study).
- (v) "The average sex related crime rate in the control area was 26.2. The Study Area had an average rate of 46.4. If the same ratio between the Control and Study Areas established for major crime during this period were applied, we would expect a crime rate that was 23% higher in the study area. The actual rate is 77% higher. An obvious difference lies in the presence of one or more adult entertainment establishments" (reference pages 18-19 of the study).
- (d) The Austin Study (p.113) "reveals a definite pattern concerning sex-related crime rates. Sex-related crime rates in the control area are consistently low, ranging from 65% to 88% of the city wide average. In contrast, sex related crimes in the Study Areas are 177%-482% higher than the city wide average."
- (e) The Denver study noted that the vice detail "has made arrests, primarily for public indecency, at all of the adult bookstores and theater/bookstores in Denver over the past several years (p.31 of the study).
- (f) The Denver study also noted that :
  - (i) Crimes against persons accounted for 12.1% of all reported offenses in the Study areas, compared to 7.8% for the city as a whole (p. 34 of the study).
  - (ii) Drug related crimes were 10.7% of all reported offenses in the study area vs. 4.5% citywide.
  - (iii) Robberies were highest in Adult Theater study areas, at 9.1% of all crimes versus 2.7% citywide.
  - (iv) Adult Theater study areas had by far the most crimes related to them. For the period 1995-96 the city tallied

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major crimes that included assault, criminal mischief, disturbance, DUI, fight, harassment, threat, prowler, noise, vice/narcotics, robbery, shooting, stabbing, theft, and sexual assault. Incidence of crimes was greatest near 24-hour operating sexual oriented businesses.

- 5) There is a correlation between illegal prostitution and the human contact businesses such as "health clubs", escort services, non therapeutic massage, and lingerie modeling (see APA Report 495 by Kelley and Cooper).
- 6) Adult video arcades or "peep shows" correlate with illicit sexual activity, acts of indecent exposure, loitering and unsanitary conditions on the premises (see APA Report 495 by Kelley and Cooper, and the studies for Austin TX, and Indianapolis).
- 7) The concentration of two or more adult businesses in one location multiplies the adverse secondary impacts related to that site (St. Paul, Denver, Kansas City, Los Angeles, Austin, Newport News, and Rochester, New York). Dispersion by separation is an important regulation to reduce adverse secondary effects. The co-location of multiple adult uses within one building is also problematic and should not be allowed.
- 8) Orange Township incorporates the detailed findings of the adverse secondary effects of adult entertainment establishments in the thirteen specific studies listed herein into this Resolution by reference, and notes that, without specific zoning to mitigate such effects, the same adverse secondary effects can be expected to occur in Orange Township at such time when adult entertainment establishments choose to locate there. Orange Township intends to use its zoning powers over local land use authorized by Ohio Revised Code 519.02 to regulate adult entertainment establishments, and therefore to mitigate the anticipated adverse secondary impacts of such establishments.

**d) Zoning Issues Regarding Adult Entertainment Establishments:**

- 1) Although there are, by recent survey of the Columbus Yellow Book and Columbus Dispatch, 10 Adult book stores, 8 Strip Clubs, 120 Escort services, 6 non-therapeutic massage parlors, and 2 adult oriented lingerie modeling studios in the Columbus, Ohio metropolitan area, at the time of the adoption of this regulation [July, 2006] there are no sexually oriented businesses in Orange Township. There is the possibility that adult entertainment businesses

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will someday want to locate within the Township. Orange Township is a suburban residential community with a 2005 population of approximately 20,000. It lies directly adjacent to and north of the state capital of Columbus (2004 population of approximately 730,000). Orange Township is similar in size and location to Renton, Washington, a suburb of Seattle. Renton enacted 1000 foot separation standards between adult entertainment establishments and certain other land uses; those standards were upheld by the United States Supreme Court. The Township wishes to use zoning powers to establish appropriate locations for adult entertainment establishments so as to minimize the adverse secondary effects of such establishments. Because Orange Township is similar in size and location to Renton, it has chosen to emulate the Renton standards in Section 18.02 a) 1).

- 2) At the time of the adoption of this amendment to the zoning resolution [July, 2006], Orange Township has 437.45 acres zoned Planned Industrial (PI) along US Route 23, a four-lane federal highway that bisects the township. The PI district would be the most appropriate location for adult entertainment establishments provided they can meet the 1000 foot separation requirement in Section 18.02 a) 1). Of the 437.45 acres currently zoned PI there are currently 234.61 acres that can meet the 1000 foot separation requirement for adult entertainment establishments. The 234.61 acres are within developed areas with roads and utilities. They are accessible from U.S. 23, Polaris Parkway (SR750, a six-lane state route), and Orange Road (a two-lane township road). The 234.61 acres of PI zoning that can meet the 1000 foot separation standard represent 1.4% of the township's total acreage, and 53.63% of the township's Planned Industrial acreage. In addition to currently zoned PI districts, there are currently 243.24 additional acres proposed for future Planned Industrial zoning on the Township comprehensive land use plan that could also conform to the 1000 foot separation requirement.

### **SECTION 18.02 - ADULT ENTERTAINMENT REGULATIONS**

- a) **Permitted Adult Entertainment Establishments** - Adult Entertainment Establishments, with the exception of "touching businesses", are permitted only in the Planned Industrial district and shall be subject to the following restrictions:
  - 1) Adult entertainment establishments shall not be permitted within 1000 feet (measured from the closest property line of each use) of:
    - (a) A religious institution;

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- (b) A kindergarten -12<sup>th</sup> grade school;
  - (c) A park or playground;
  - (d) A residence within a residential zoning district;
  - (e) A library;
  - (f) A day care center; or
  - (g) Another adult entertainment establishment.
- 2) Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
- 3) Hard core material is not displayed publicly, as defined in Article IV.
- 4) No adult entertainment establishment shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- 5) Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.
- 6) Adult entertainment stores that sell both mainstream media and hard core material shall do so in accordance with the following:
- (a) Hard core material shall be physically and visually separated from mainstream media, and shall not be displayed publicly as defined in Article IV.
  - (b) Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
  - (c) Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.
  - (d) Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person

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under age 18 will not obtain access, and the general public will not accidentally enter this section.

- (e) The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.
- (f) No adult arcades are permitted in stores selling mainstream media.
- (g) No more than one designated area for sexually oriented merchandise per store.
- (h) There shall be no exterior signs that advertise hard core material or XXX media.

- b) **Prohibited Adult Entertainment Establishments** - "Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client touching are not permitted in Orange Township.

**ARTICLE XIX - AGRICULTURAL PRESERVATION DISTRICT (A-1)**

**SECTION 19.01 - PURPOSE:** The Agricultural Preservation District is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

**SECTION 19.02 - APPLICATION:** This section shall apply to all prime agricultural lands, the owner of which has applied for classification herein provided such lands meet the criteria established by state law as to size, location, productivity and classification.

**SECTION 19.03 - PERMITTED USES:** Within the Agricultural Preservation District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Farm residence.
- b) Accessory buildings and accessory uses incidental to the principal building or use, including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within this township.
- d) Projects specifically designed for watershed protection, conservation of water or soils or for flood controls.
- e) Agriculture, beekeeping, dairying, floriculture, grazing and raising of livestock (except commercial feed lots as herein defined and prohibited), orchards, plant nurseries, poultry raising (except commercial operations as herein defined and prohibited), raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables.
- f) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
- g) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production



of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.

- h)** Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- i)** Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**SECTION 19.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a)** Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

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- 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
- 4) No more than three (3) non-resident employees shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

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- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises.
- c) Permanent structures or improvements used for the retail sale of agricultural products produced on the premises.
- d) Conversion of existing residential structures to permit occupancy by no more than two (2) families.
- e) Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olen-tangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topog-raphy of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the

property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

- (b) Existing and proposed drainage of the area.
- (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
- (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 19.05 - PROHIBITED USES:** Within the Agricultural Preservation District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.

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- b)** For purposes of this Resolution, the operation of a feed-lot for the feeding for sale of cattle, hogs, horses, llamas, rheas, ostriches, and sheep shall be termed commercial if the number of such animals per acre of farmland in Orange or adjoining townships operated by the proprietor is greater than: five (5) head in the case of cattle, horses, llamas or sheep; or ten (10) head in the case of hogs, rheas or ostriches. The feeding for sale of more than ten thousand (10,000) chickens or one thousand (1,000) turkeys in a poultry operation at any one time shall be termed commercial. Neither of these commercial operations shall be permitted in the Agricultural Preservation District.
- c)** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- d)** No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- e)** No sales trailers of any type shall be permitted
- f)** No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- g)** Except as specifically permitted in Section 19.03(c) or (h) herein no mobile home shall be placed or occupied in this district.
- h)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- i)** The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal. For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

  - 1) Is an animal whose natural habitat is the wilderness and which, when

maintained in human society, is usually confined to a zoological park or exotic animal farm; or

- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxondonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

This prohibition shall apply to lots less than five (5) acres in area, subject to the limitations contained in Ohio Revised Code Section 519.21.

**SECTION 19.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Agricultural Preservation District.

- a) **Lot Area** - No parcel of land in this district shall be used for residential purposes which has an area of less than five (5) acres (217,800 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

- b) **Lot Frontage** - Except as hereinafter set forth all lots or parcels within this zoning district shall have three hundred (300) feet frontage on a road approved by the Delaware County Engineer.

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

- c) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) **Building Dimensions (Floor Space Requirements)** – Each single family dwelling hereinafter erected in this district shall have a living area of not less than one thousand (1,000) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) **Side Yard Setback** - No building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) **Rear Yard Requirement** - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

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



**ARTICLE XX**

**R E S E R V E D**

**ARTICLE XXI – GENERAL DEVELOPMENT STANDARDS**

**SECTION 21.00 – GENERAL:** It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to insure that the general welfare of citizens of Orange Township are protected and enhanced. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

**SECTION 21.01 – PARKING:** Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

- a) **Dimensions** – All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** – Except in the Farm Residential District (FR-1) and the Agricultural Preservation District (A-1) all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.
- c) **Driveways** – All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within forty (40) feet of the intersection of the rights-of-way of any two (2) public roads. If there are two (2) driveways serving the lot, or one driveway involving two entries upon a public road, one drive or entry shall be located not less than forty (40) feet from the said intersection and the other shall be located not less than one hundred (100) feet from the said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet. The leading edge of all driveways paved with asphaltic material or cement shall be no higher than the grade of the roadway for a distance of the two (2) feet immediately preceding the junction of the driveway and the public road.
- d) **Parking Area Location** - Except in the single family districts (A-1), (FR-1), (R-2), and (SFPRD), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front set back area

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outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served. The remaining sixty percent (60%) of the front setback outside of the road right-of-way shall be green space adjacent to the road(s) frontage(s).

- e) **Required Off-Street Parking Spaces** - The User of any tract shall provide off-street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided:

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
1) Single family residential (FR-1) and (A-1)	Four (4) per dwelling unit.
2) Independent Living (PERD)	Two (2) per dwelling unit
3) All other residential	Three (3) per dwelling unit.
4) Hotels, motels, lodges (without public meeting facilities)	One (1) per rental unit plus one (1) per employee on the largest shift plus one (1) for each four seats in the dining room or restaurant area.
5) Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	One (1) per rental unit plus one (1) per employee on the largest shift plus one (1) per 75 square feet of floor area used for exhibition or assembly purposes plus one (1) per four (4) seats in any restaurant therein.
6) Churches or places of public assembly	One (1) for each three (3) seats or one (1) for each forty-five (45) square feet of assembly area, whichever is greater.
7) Hospitals	One and one half (1½) for each bed plus one (1) for each employee on the largest shift.
8) Assisted living and Nursing Homes (PERD and Non-PERD)	One (1) for each two (2) beds plus one (1) for each employee on the largest shift.
9) Museums, libraries, etc.	One (1) for each four hundred (400) square feet of area open to the public

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	plus one for each employee on the largest shift.
10) Primary or elementary schools	Four (4) for each classroom.
11) Secondary schools, colleges, trade schools, etc.	Four (4) for each classroom plus one (1) for each four (4) students.
12) Restaurants	One (1) for each two (2) seats plus one (1) for each employee on the largest shift. Not less than (25) parking spaces shall be provided.
13) Offices	One for each four hundred (400) square feet of floor area plus one (1) for each employee.
14) Funeral Homes	One (1) for each twenty-five (25) square feet of public area.
15) Retail stores	Five (5) plus one (1) for every four hundred (400) square feet of floor space.
16) All industrial, warehousing	Twenty (20) plus one (1) for each two (2) employees plus one (1) for each vehicle maintained on the premises.
17) Day care facilities	One (1) for each employee on the largest shift plus one (1) for each five (5) children.
18) Golf courses in a golf community	Five (5) per green.

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

**SECTION 21.02 – HEIGHT LIMITATIONS:** The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antennas or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract.

**SECTION 21.03 – STRUCTURE SEPARATION:** No principal structure shall be located closer than twenty-five (25) feet to another principal structure unless the adjacent walls of both structures are masonry in which said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one of said structure has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

**SECTION 21.04 – SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL:** All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Delaware County Department of Health. Prior to the issuance of any zoning permit, evidence of compliance with said regulations shall be presented to the zoning inspector.

**SECTION 21.05 – WATER IMPOUNDMENTS:** All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Except adjacent to U.S. Route 23 no impoundment shall be located closer than twenty-five (25) feet to the right-of-way of any adjacent improved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of U.S. Route 23.
- b) No impoundment shall be located in the front yard except the FR-1 or A-1 district except upon issuance of a Conditional Use Permit pursuant to Article XXVIII of this Resolution or as approved in plans of development or approved subdivision plats.
- c) All swimming pools, or the property upon which such pools are located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate and lock. Wading pools with a maximum depth potential of eighteen (18) inches shall be exempt from this requirement.

**SECTION 21.06 – LANDSCAPING:** All uses and improvements in the township should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction and of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during land clearing, should be accomplished as soon as possible. All vacant lots/lands shall be kept seeded and maintained (mowed).

**SECTION 21.07 – REPEALED.**

**SECTION 21.08 – FLOODPLAIN REGULATION:** Certain limited areas of the township lie within the floodplain of the Olentangy River, and Alum Creek. Inundation of those areas during periods of high water can impose great loss of property value unless

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controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. Further, the addition of fill material to, or the dredging of, the Olentangy River, Alum Creek and bordering wetlands imposes additional risks of flooding and threaten their loss as irreplaceable township natural resources and as areas of scenic and natural beauty. In an effort to control such uses, in the best interest of the township, and in addition to all other provisions of this zoning resolution, the following regulations shall be imposed.

- a) The zoning inspector shall maintain on file for public examination: the Flood Insurance Rate Maps (FIRM) for Delaware County, Ohio and incorporated areas published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) and all revisions and amendments thereto, as applicable to Orange Township, delineating the boundaries within the township of all lands designated "floodplain." In the event a property owner contests the boundaries of such floodplain he shall be given reasonable opportunity to present technical evidence to support his position
- b) Open space uses shall be permitted within the floodplain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- c) No structure otherwise permitted under this zoning resolution shall be erected or altered within the floodplain, and no use otherwise permitted under this zoning resolution shall be permitted within the floodplain, which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.
- d) No fill shall be deposited within the floodplain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.

**SECTION 21.09 – SETBACK REGULATIONS:** No building or use (except signs or parking areas) shall be located closer to adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table, and for all other purposes of the Zoning Resolution, streets, roads, highways and approved private roadways shall be classified in one of the four following classes:

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- a) **Class A** – U.S. Route 23 (Columbus Pike), State Route 750 from U.S. Route 23 to the Columbus corporation line, or any other roads as later designated by the trustees of the township;
- b) **Class B** – Powell Road (CR-14), Orange Road (Township Road 114), Home Road (CR-124), Lewis Center Road (CR-106), Worthington Road (CR-13) and Old State Road (CR-10), or any other roads as later designated by the trustees of the township;
- c) **Class C** – Any other through public street or road or any private roadway approved by the Delaware County Engineer connecting two or more public roads;
- d) **Class D** – Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two or more existing or future streets or roads.

**MINIMUM SETBACK DISTANCES**

All distances relating to **Class A, B, C or D** roads are measured from the right-of-way line of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Articles XXI and XXII of this Resolution.

<b><u>USE CLASSIFICATION</u></b>		<b><u>ROAD CLASSIFICATION</u></b>			
		<b><u>Class A</u></b>	<b><u>Class B</u></b>	<b><u>Class C</u></b>	<b><u>Class D</u></b>
<b>FR-1</b>	<b>Residential</b>	80	70	60	60
<b>R-2</b>	<b>Residential</b>	80	70	45	30
<b>R-3</b>	<b>Residential</b>	80	70	30	30
<b>SFPRD</b>	<b>Residential</b>	80	70 or as approved in Development Plan	30 or as approved in Development Plan	30 or as approved in Development Plan
<b>MFPRD</b>	<b>Residential</b>	80	70 or as approved in Development Plan	30 or as approved in Development Plan	30 or as approved in Development Plan
<b>C-1 and C-2</b>	<b>Commercial Office</b>	80	70	50	50

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<b>PC</b>	<b>Commercial Office</b>	80	70 or as approved in Development Plan	50 or as approved in Development Plan	50 or as approved in Development Plan
<b>I</b>	<b>Industrial</b>	80	70	100	70
<b>PI</b>	<b>Planned Industrial</b>	80	70 or as approved in Development Plan	50 or as approved in Development Plan	50 or as approved in Development Plan
<b>A-1</b>	<b>Agricultural</b>	80	70	60	60

**SECTION 21.10 – REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS:** The purpose of this section is to mitigate the effects of noise, light, and other nuisances emanating from a non-residential use abutting a residential district. Nonresidential buildings or uses except parking shall not be located nor conducted closer than one hundred (100) feet to any lot line of a residential district. Such one hundred (100) foot area shall include at or near its perimeter acceptable landscaping or screening as approved in the planned district plan of development or, in the case of property located outside of a planned district, as approved by the zoning inspector.

**SECTION 21.11 – INSTALLATION OF SATELLITE SIGNAL RECEIVING EARTH STATIONS:** Installation of disk or dish type Satellite Signal Receiving Earth Stations shall be governed by the following regulations:

- a) Unless approved by the Board of Zoning Appeals, no disk or dish having a diameter of greater than one meter (39.37") may be located on the roof of any residential structure or accessory building on a residential or agricultural lot. The top of any disk or dish greater than one meter (39.37") in diameter may not be more than twelve (12) feet above the ground level in any residential district.
- b) No disk or dish shall be permitted within the township which exceeds twelve (12) feet in diameter unless the same is specifically approved as part of the development plan in the PC or PI districts.

**SECTION 21.12 LIGHTING REGULATIONS:** Lighting standards for all exterior lighting are hereby established to: protect the public health and safety, and in the interest of the public convenience, comfort, prosperity and general welfare. The purpose of this section is to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the township and the lawful nighttime use and enjoyment of property located within it.

- a) Specifically, these provisions are intended to achieve, among others, the following purposes:



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- 1) Establish performance standards to ensure an environment free from elements that may jeopardize the health or safety of the general public, be adverse to the interest of the public convenience, comfort, prosperity or general welfare, or degrade the quality of life in the township.
  - 2) Establish exterior lighting standards to:
    - (a) Control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare.
    - (b) Provide safe roadways and pleasing community vistas free from distracting and debilitating glare.
    - (c) Protect the Perkins Observatory and scientific research conducted at the facility by reducing unnecessary exterior lighting and light pollution.
- b)** Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to: provide safety, utility and security; control light trespass and glare on adjacent properties and public roadways; and reduce atmospheric light pollution so as to protect Perkins Observatory and its scientific research from light pollution in any form. All existing and future uses on which exterior lighting is installed or changed shall conform to the standards set forth in this section.
- c)** Lighting plan. A lighting plan is required for all applications submitted under Articles X, XI, XIV or XVII of this resolution, which plan shall be evaluated according to the procedure set forth in the applicable article. The lighting plan shall demonstrate compliance with the exterior lighting standards of this section and shall include the following items:
- 1) A site plan showing location of all exterior light fixtures, controllers and transformers.
  - 2) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow and scale.
  - 3) Specifications and drawings or photographs for all exterior light fixture types, poles, conduit and appurtenant construction.
  - 4) Lamp wattage of all proposed luminaires.
  - 5) Information that indicates a minimum light level of 0.5 footcandles at grade in all vehicular use areas and connecting pedestrian paths.

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- 6) Cut sheets for all proposed exterior light fixtures and poles.
- 7) Point-to-point plot with light levels meeting the light uniformity ratio standards of subsection 21.12 h) 3).
- 8) Any other information and data reasonably necessary to evaluate the required lighting plan.

**d) General requirements.**

- 1) All exterior fixtures shall be full cut-off fixtures.
- 2) No portion of a lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off-site or cause disabling glare.
- 3) All light fixtures shall be directed downward. Uplighting is prohibited, except for accent lighting for buildings or signs, which may be approved as part of a development plan.
- 4) Exterior residential lights are exempt from subsections 1), 2) and 3) above when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent a lamp).
- 5) All outdoor light poles shall be constructed of metal, fiberglass or finished wood.
- 6) All developments with ten (10) or more parking spaces are required to provide exterior lighting for all vehicular use areas including entrance and exit access drives and pedestrian paths connecting parking areas and principal buildings.
- 7) Automobile-oriented uses such as gasoline stations, automotive service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy. The maximum allowable foot candle at 3.5 feet above grade under the canopy shall not exceed 35.
- 8) Except as permitted in Section 22.02 h), no exposed neon lighting, exposed neon look-alike lighting, exposed light emitting diode (LED) lighting or other exposed tube or tube-type lighting shall be permitted. This prohibition shall extend to and include, but not be limited to, all exterior signage, and signage or other accents placed in a window.

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e) Maximum height requirements.

The total height of exterior lighting fixtures shall not exceed a maximum height of twenty (20) feet measured from the finished grade established not closer than fifteen (15) feet to the lighting fixture.

f) Extinguishment requirement. All office, business, industrial, recreational and institutional use exterior lighting (i.e., sign illumination, illumination for decorative effects, recreational facility or sports field illumination) shall be equipped with automatic timing devices and/or extinguished no later than one (1) hour after closing, with the exception of security lighting.

g) Light pollution standards.

- 1) Lighting required exclusively for the illumination of entrance/exit access drives and pedestrian ways from the public right-of-way shall be permitted to illuminate to the far limit of the right-of-way.
- 2) Artificially produced light that strays beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property:

<b><u>MAXIMUM LIGHT POLLUTION ILLUMINANCES</u></b>		
<b>RECEIVING AREA CLASSIFICATION</b>	<b>MAXIMUM HORIZONTAL (FOOTCANDLES) AT GRADE BEYOND THE PROPERTY LINE</b>	<b>MAXIMUM VERTICAL (FOOTCANDLES) AT THE STRUCTURE HEIGHT</b>
Residential	0.4	0.8
Office and Business	2.0	2.0
Industrial	2.0	2.0
Note: when two differing area classifications abut, the lower light level value shall take precedence along the common boundary		

h) Measurement

- 1) Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.

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- 2) Measurements shall be taken at a height of three and one-half (3.5) feet above the ground.
- 3) Light uniformity ratios.
  - (a) For any one luminary, the light uniformity ratio shall comply with the following ratio: maximum to minimum: 10:1.
  - (b) The average light uniformity ratio for all luminaires located on a site shall comply with the following ratio: average to minimum: 4:1.
- i) Exemptions. The following luminaires are exempt from the provisions of this section:
  - 1) Luminaires required by the Ohio Building Code that operate only in an emergency mode.
  - 2) Outdoor light fixtures that produce light directly from fossil fuel, such as kerosene lanterns or gas lamps.
  - 3) Residential low-voltage lighting in residential zoning districts and holiday lighting.
  - 4) Illuminated poles for governmental or institutional flags.
  - 5) Lighting required by federal regulation such as, but not limited to communication towers or airports.
- j) In addition to the provisions of this section, all exterior lighting fixtures shall be installed in conformity with all other applicable provisions of this resolution.

**SECTION 21.13 – DISPLAY OF PROPERTY ADDRESS:** Prior to occupancy each building or premises shall display its street or house number, doing so in such a manner and the number being of such a size that the same is readable from the street or road. Such street or house number may be affixed to the building, the street mailbox for the same, or otherwise displayed upon the premises. Such street or house number shall be displayed using numerals not less than three inches (3”) in height and shall otherwise be in conformance with the requirements of Article XXII of this Resolution.

**SECTION 21.14 – TEMPORARY USES – ZONING PERMIT APPROVAL BY ORANGE TOWNSHIP BOARD OF TRUSTEES REQUIRED:** Unless otherwise permitted by the provisions of this zoning resolution or an approved development plan, no temporary use, such as a fair, festival, holiday celebration or other temporary sales or service activity, shall be commenced until a zoning permit and certificate of compliance for the same

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have been issued by the zoning inspector. Issuance of the zoning permit shall only occur at the direction of the Orange Township Board of Trustees and in compliance with the procedures, requirements and limitations listed below:

- a) Prior to commencement of the temporary use:
  - 1) Permission shall be obtained from the appropriate township, county, state or federal agencies; and
  - 2) Permission shall be obtained from the owner(s) of the property upon which the temporary use is proposed. The permission shall be obtained in writing and presented with the application for the zoning permit.
  
- b) The application for a zoning permit under this section shall be filed with the zoning inspector and accompanied by two (2) site plans, together with a listing of all property owners within two hundred (200) feet of the premises on which the temporary use is planned as the same are listed on the county auditor's current tax list and such fee as prescribed by the Orange Township Board of Trustees. It must be submitted within eight (8) weeks of, but not later than four (4) weeks in advance of, the proposed temporary use. The site plans shall contain and depict the following:
  - 1) **The intended ingress and egress of traffic** - The design shall provide for a safe and orderly flow of vehicular and pedestrian traffic and shall not interfere with the proper functioning of adjacent public roadways.
  - 2) **The width of driveways and aisles and the location of any barriers** - The design shall provide a safe vehicular and pedestrian traffic pattern for the anticipated attendance.
  - 3) **The dimensions and locations of any and all temporary buildings, structures and/or tents on the premises and the width between the same** - The design shall comply with all applicable fire or building codes and provide a safe environment for attendees.
  - 4) **A first aid facility** - The size and design shall be appropriate to the anticipated attendance.
  - 5) **Litter containers** - The size, number and location of containers shall be appropriate to the anticipated attendance and adequate to provide for convenient litter disposal, so as to avoid litter being scattered about the premises or adjacent areas.

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- 6) **The location of all vendors** - To the extent possible, the design shall distance the vendors generating noise or using artificial lighting from adjacent property.
  - 7) **The location of the office** - The location shall be clearly identified and easily accessible to the public.
  - 8) **The location of parking facilities** - The design shall provide parking for the anticipated attendance and shall provide attendees safe pedestrian access from the parking facilities to the proposed temporary use.
  - 9) **The location of restroom facilities** - The number and location of facilities shall be adequate for the anticipated attendance and located for convenient access from all locations on the property.
  - 10) **The lighting plan** - The lighting plan shall comply with Section 21.12 of the zoning resolution.
  - 11) **The sound amplification plan** - The plan shall be designed to prevent sound emanating from the temporary use from being discernible beyond the bounds of the property.
  - 12) **The signage plan** - The plan shall depict the size, dimensions, number, type and location of all signs on the premises. The signage plan shall be adequate to advise attendees of activities, services or goods available on the premises, shall be in harmony with buildings on the site and shall not detract from the appearance of the general neighborhood in which the premises is located. Further, the signage plan shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using street or driveways in the area, or the creation of visual distraction for such motorists.
- c) The following information shall also be provided on the site plans:
- 1) The name, address and telephone number of the property owner(s);
  - 2) The name, address and telephone number of the office and of the chairman, manager or operator of the temporary use;
  - 3) The address and township section number of the property upon which the temporary use is to be held;
  - 4) The dates and times of operation of the temporary use; and

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- 5) A written narrative completely describing the temporary use, including all features and details of its presentation.
- d) All signs erected under this section shall comply with subsections a) through i) of Section 22.06 of the zoning resolution, excepting that portable signs, banners, pennants, streamers, flashing lights, string of lights, "a" frame signs, air-activated attraction devices, portable search lights with generator (to be aimed at the sky), balloons, or air filled figures may be incorporated into the temporary use.
- e) The application shall be transmitted by the zoning inspector to the Orange Township Board of Trustees, who shall cause a public hearing to be held.
- f) Notice of the application for a zoning permit for the temporary use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the temporary use is planned. Notice shall be given by ordinary mail. In addition thereto, one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing. All notices shall be issued by the zoning secretary on behalf of the Orange Township Board of Trustees.
- g) Following the public hearing, the application for a zoning permit may be approved by the Orange Township Board of Trustees, and the zoning inspector directed to issue the zoning permit, upon its determination that the application complies with the following:
  - 1) That the proposed use is an approved temporary use under this section;
  - 2) That the proposed use complies with this section and makes adequate provision for the public health, safety, convenience, comfort and general welfare as regards the following:
    - (a) The safe ingress and egress of traffic;
    - (b) The width of driveways and aisles and the location of any barriers;
    - (c) The dimensions and locations of any and all temporary buildings, structures and/or tents on the premises and the width between the same;
    - (d) The first aid facility;
    - (e) The litter containers;

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- (f) The location of all vendors;
  - (g) The location of the office;
  - (h) The location of parking facilities;
  - (i) The location of restroom facilities;
  - (j) The proposed lighting plan;
  - (k) The sound amplification plan; and
  - (l) The signage plan.
- 3) That the proposed temporary use will not be disruptive to residential uses in the area.
- h)** The Orange Township Board of Trustees shall make its decision within a reasonable time after the hearing. In the event the board approves the application for a zoning permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the community.
- i)** A zoning permit issued under this section of the zoning resolution shall not be transferable and shall be subject to the following:
- 1) It shall authorize the presentation of the temporary use for a maximum period of three (3) consecutive days, after which time it must be discontinued;
  - 2) It shall also authorize the twenty-four (24) hour periods immediately prior to, and after, the presentation of the temporary use to be used, respectively, for preparing and removing the temporary use; and
  - 3) No activity regarding the temporary use shall occur outside of the above stated periods and it must be totally removed from the property within the twenty-four (24) hours following its presentation.
- j)** Following approval of a zoning permit by the Orange Township Board of Trustees, no temporary use shall be commenced until a certificate of compliance for the same has been issued by the zoning inspector, as provided in Section 25.05 of the zoning resolution.



**ARTICLE XXII - SIGN AND BILLBOARD REGULATION**

**SECTION 22.01 - PURPOSE:** The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

**SECTION 22.02 - PERMITTED SIGNS - NO PERMIT REQUIRED:** The following signs shall be permitted in the township subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this Section.

- a) **Signs for Sale, Lease, or Rent** of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy by the purchaser.
- b) **Signs for Home Occupations** - One (1) sign per residence shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.
- c) **Name and Address of Occupant** of property provided that such sign is not more than six (6) square feet in area per side and is located outside the easement or right-of-way of any road. Not more than one sign shall be permitted.
- d) **Political Signs** - The erection of political signs should be permitted in any district of the township provided that said signs:
  - 1) are located outside the right-of-way limits of the road and do not interfere with visibility of vehicular traffic entering or leaving the highway.
  - 2) are removed within fifteen (15) days following elections, except by winning candidates following primary elections.
  - 3) are capable of posting and removal without destruction of public or private property.
  - 4) designate the name and address of the person charged with removal of the sign.

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- e) **Temporary Signs** announcing special public or institutional events. Said signs shall not be placed within the easement or right-of-way of any road. Such signs shall not exceed thirty-two (32) square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.
- f) **Farm Signs** denoting the name and address of the occupants, denoting produce or products for sale on the premises and denoting membership in organizations. No more than one (1) sign of any type may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side.
- g) **Signs** not having more than ten (10) square feet of display area on or over a shop window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- h) **Neon "Open" Signs** - A business or use located in a non-residential district may have one (1) neon or light emitting diode (LED) lighting "Open" sign. Such sign shall indicate only the word "Open," shall not exceed two (2) feet by one (1) foot in size, and shall be limited to a maximum of two (2) colors.
- i) **Garage Sale or Yard Sale Signs** – Signs advertising the conducting of the casual sale of goods in what is commonly referred to as a garage sale or yard sale provided that:
  - 1) Such signs are located on the lot or parcel upon which the sale is being conducted and/or, if that lot or parcel is located within a subdivision, at the entrance(s) of the subdivision within which the lot or parcel is located.
  - 2) Such signs are located:
    - (a) Outside the right-of-way limits of the road and at least twelve (12) feet from the edge of the pavement; or
    - (b) Outside the right-of-way limits of any road and within a landscaped area at an entrance of the subdivision within which the lot or parcel upon which the sale is being conducted is located.
  - 3) Such signs are not placed on the landscaped island of a boulevard entry to a subdivision.

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- 4) Not more than one such sign is displayed on any lot or parcel.
- 5) Each such sign designates the name and address of the owner.
- 6) Such signs are not attached to governmental signposts or utility poles and are not otherwise prohibited signs as provided in Section 22.05 of this zoning resolution.
- 7) Such signs are not illuminated, do not exceed six (6) square feet of area per side and do not have more than two (2) sides.
- 8) Such signs are only displayed in conjunction with a lawfully conducted garage sale or yard sale and are only displayed for the period of the sale, after which time it shall be removed by the owner.

**j) Real Estate Open House Signs** advertising the conducting, on a single day, of what is commonly referred to as an open house in regard to efforts to sell, lease or rent a premises provided that:

- 1) Such signs are located on the lot or parcel upon which the open house is being conducted or, if that lot or parcel is located within a subdivision, at the entrance(s) of the subdivision within which the lot or parcel is located.
- 2) Such signs are located:
  - (a) Outside the right-of-way limits of the road and at least twelve (12) feet from the edge of the pavement; or
  - (b) Outside the right-of-way limits of any road and within a landscaped area at an entrance of the subdivision within which the lot or parcel upon which the open house is being conducted is located.
- 3) Such signs are not placed on the landscaped island of a boulevard entry to a subdivision.
- 4) Not more than one (1) such sign is displayed on any lot or parcel.
- 5) Each such sign designates the name and address of the owner.
- 6) Such signs are not attached to governmental signposts or utility poles and are not otherwise prohibited signs as provided in Section 22.05 of this zoning resolution.

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- 7) Such signs are not illuminated, do not exceed six (6) square feet of area per side and do not have more than two (2) sides.
  - 8) All such signs are removed at the end of the day of the open house.
- k) **Non-Illuminated Window Signage** - A business or use located in a commercial or industrial district may have non-illuminated window signage, provided that the combined area of all such signage in a window does not exceed a maximum of twenty-five percent (25%) of the window area. The area of the signage shall be determined as the area of the smallest rectangle which encompasses the entire message portion of the signage on the window, whether in writing, logo, graphic or other descriptive form. The area of this signage shall be included in the calculation of, and subject to the limitation on, the maximum aggregate sign area or display surface established in Section 22.06 j) of this resolution. This signage shall also be subject to the balance of the provisions of Section 22.06 of this resolution.

**SECTION 22.03 - PERMITTED SIGNS - PERMIT REQUIRED:** The following signs shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth herein.

- a) **Vehicular Signs** - Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs:
- 1) Are located outside the right-of-way of any public street or road;
  - 2) Do not interfere or obstruct visibility when entering or leaving said property;
  - 3) Do not exceed three (3) square feet of area per side;
  - 4) Do not exceed three (3) feet in height;
  - 5) Display only:
    - (a) The name and/or address of the business establishment;
    - (b) The words “enter” or “exit;”
    - (c) Text and/or arrows indicating the direction or purpose of travel; and/or
    - (d) Logos or trademarks of the business establishment.
  - 6) Have no more than two (2) sides.

7) Are unlit or lighted only by means of internal illumination.

**b) Outdoor Advertising or Billboards** for one or more products or services not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to regulations set forth herein.

1) No billboard shall exceed three hundred (300) square feet in total area nor have more than two (2) sides or surfaces, and the display area of any one (1) side or surface does not exceed one-half of the total display area permitted.

2) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four (4) times the height of the sign face.

3) The use shall comply with the general regulations set forth in other provisions of this Resolution and article.

4) All billboards shall be located in compliance with all state and federal regulations controlling the same.

5) All billboards shall be located behind the building set back lines established for the district in which the sign is located.

6) No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.

**c) Commercial or Industrial Display Signs** - All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by this Resolution.

1) Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall be located no more than fifteen (15) feet above finished grade or the height of the ceiling of the first floor of the building, whichever is less.

2) Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line and does not exceed twelve (12) feet above finished grade in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the

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wall or extension; it may not be located on both.

- 3) All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall, it being hereby intended to prohibit signs projecting outward from the wall, at right angles or otherwise, except as follows:
  - (a) Signs may be installed on an attached canopy, roof, or marquee which projects beyond the building over a walk or yard, provided that no part of such signs may extend above such canopy, roof or marquee.
  - (b) One sign, not more than fifteen (15) inches in height and five (5) square feet in area, projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building, and the area of such signs shall not be included in determining the aggregate sign area of such building.
- 4) No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face, (including any wall extension), on which it is erected than eighteen (18) inches. Where more than one sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are over nineteen inches high, or one inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architectural detailing which has a graphic or signage function, which are painted upon a building, shall be subject to regulation as a wall sign.
- 5) No display sign shall exceed three hundred (300) square feet in area, except as hereinafter provided. If a building is located at least five hundred (500) feet from the right of way of U.S. Route 23, and within eight hundred (800) feet of the right of way of U.S. Route 23, a display sign having an area up to a maximum of four hundred eighty (480) square feet may be approved as a conditional use by the Board of Zoning Appeals upon its finding that such sign:
  - (a) Is necessary to the conduct of the business or use occupying the building; and

- (b) Will not substantially alter the essential character of the neighborhood; and
  - (c) Will not cause adjoining properties to suffer a substantial detriment.
- d) **Illuminated Window Signage** shall be permitted in all commercial and industrial districts, provided that the combined area of all such signage in a window, together with the combined area of all non-illuminated window signage in the window, does not exceed a maximum of twenty-five percent (25%) of the window area. The area of the total window signage shall be determined as the area of the smallest rectangle which encompasses the entire message portion of the signage on the window, whether in writing, logo, graphic or other descriptive form. The area of the illuminated window signage shall be included in the calculation of, and subject to the limitation on, the maximum aggregate sign area or display surface established in Section 22.06 j) of this resolution. This signage shall also be subject to the balance of the provisions of Section 22.06 of this resolution.
- e) **Monument Style Freestanding Signs Identifying Commercial or Office Complexes** - A monument style freestanding sign, which is defined as a sign directly supported by and affixed directly to a base having a width at least equal to that of the sign, with no intervening openings, supporting posts, poles, pillars, uprights or braces, may be permitted which identifies a commercial or office complex on the following conditions:
  - 1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site and the sign is located at the distance from any street right-of-way line, indicated below.
  - 2) The sign does not have more than two (2) sides or surfaces.
  - 3) The display area of any one side or surface does not exceed one-half of the total display area permitted.
  - 4) The total display area of all surfaces does not exceed thirty-two (32) square feet, or a maximum of sixteen (16) square feet per side or surface when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional eight (8) square feet of total display area (or maximum of four (4) square feet per side or surface) will be permitted up to a maximum of one hundred twenty-eight (128) square feet of total display area (or maximum of sixty-four square feet per side or surface), as indicated below:

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<b>Total Display Area (square feet)</b>	<b>Maximum Area per Side or Surface (square feet)</b>	<b>Required Setback from Front ROW Line (feet)</b>
32 sq. ft.	16 sq. ft.	15 ft.
40 sq. ft.	20 sq. ft.	16 ft.
48 sq. ft.	24 sq. ft.	17 ft.
56 sq. ft.	28 sq. ft.	18 ft.
64 sq. ft.	32 sq. ft.	19 ft.
72 sq. ft.	36 sq. ft.	20 ft.
80 sq. ft.	40 sq. ft.	21 ft.
88 sq. ft.	44 sq. ft.	22 ft.
96 sq. ft.	48 sq. ft.	23 ft.
104 sq. ft.	52 sq. ft.	24 ft.
112 sq. ft.	56 sq. ft.	25 ft.
120 sq. ft.	60 sq. ft.	26 ft.
128 sq. ft. <b>(maximum)</b>	64 sq. ft. <b>(maximum)</b>	27 ft.

- 5) Not more than five (5) colors are used. For the purposes of this Section, black and white shall not be considered colors.
- 6) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in an R Residential District.
- 7) The function of such sign is in keeping with the uses in the surrounding area.
- 8) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
- 9) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.

f) **Signs Approved in Planned District Plan of Development** provided that



the approved sign is constructed in strict compliance with the approved guidelines.

- g) Signs Approved as Part of Conditional Use Permit** in residential zoning districts provided such signs are constructed in strict compliance with the imposed conditions.
- h) Temporary Signs Advertising Real Estate for Sale or Identifying Developer or Builder** - A temporary sign within the Single Family Planned Residential District, Multi-Family Planned Residential District, Planned Commercial and Office District (PC), Industrial District (I), or Planned Industrial District (PI), such sign not being constructed for permanent use and supported by posts, pillars, columns or other structures and advertising real estate for sale or identifying the builder or developer of a construction or development project on the following conditions:

  - 1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site.
  - 2) The sign does not have more than two (2) sides or surfaces, and the total display area of all surfaces does not exceed sixty-four (64) square feet.
  - 3) The display area of any one surface does not exceed thirty-two (32) square feet.
  - 4) Not more than five (5) colors are used. For the purposes of this Section, black and white shall not be considered colors.
  - 5) No part of such sign shall be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is District.
  - 6) The sign is located upon the real estate which is offered for sale or upon which the construction or development is taking place.
  - 7) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
  - 8) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
  - 9) The permit for such sign shall be valid for a period of six (6) months and may be renewed at the discretion of the zoning inspector upon

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findings that the real estate which is the subject of such sign remains unsold or that the construction or development thereon is not substantially completed, and that the sign has been maintained in a state of reasonable repair.

- 10) Such sign shall be removed upon the sale of the real estate or upon the completion of the construction or development.

**SECTION 22.04 - CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED:** Within any commercial or industrial district or within any non-residential portion of a residential district the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) **Monument Style Freestanding Signs** which are defined as signs directly supported by and affixed directly to a base having a width at least equal to that of the sign, with no intervening openings, supporting posts, poles, pillars, uprights or braces. Other freestanding signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled or removed. No such sign heretofore lawfully erected shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect. If, in the opinion of the Board of Zoning Appeals, a change in product name is required which is beyond the control of the owner/occupant, such substitution of signage may be approved. In the event of a violation of this provision, the continued maintenance of such sign shall be unlawful. Provided, however, that such sign may, prior to January 1, 1985 be relocated on the same lot or parcel of ground or reduced in size or height, but only upon granting of a variance therefor by the Board of Zoning Appeals.

The Board of Zoning Appeals may grant a permit for the erection or maintenance of a monument free standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site and the location of the proposed sign.

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- 2) A determination by the board that a monument style freestanding sign is necessary to the conduct of the business, professional or commercial activity on the site and that an attached sign would not be in harmony with the building thereon.
  
- 3) A determination that the proposed sign meets all of the following requirements:
  - (a) The sign is a monument style freestanding sign.
  
  - (b) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site and the sign is located at the distance from any street right-of-way line, indicated below.
  
  - (c) The sign does not have more than two (2) sides or surfaces.
  
  - (d) The display area of any one side or surface does not exceed one-half of the total display area permitted.
  
  - (e) The total display area of all surfaces does not exceed thirty-two (32) square feet, or a maximum of sixteen (16) square feet per side or surface when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional eight (8) square feet of total display area (or maximum of four (4) square feet per side or surface) will be permitted up to a maximum of one hundred twenty-eight (128) square feet of total display area (or maximum of sixty-four square feet per side or surface), as indicated below:

<b>Total Display Area (square feet)</b>	<b>Maximum Area per Side or Surface (square feet)</b>	<b>Required Setback from Front ROW Line (feet)</b>
32 sq. ft.	16 sq. ft.	15 ft.
40 sq. ft.	20 sq. ft.	16 ft.
48 sq. ft.	24 sq. ft.	17 ft.
56 sq. ft.	28 sq. ft.	18 ft.
64 sq. ft.	32 sq. ft.	19 ft.
72 sq. ft.	36 sq. ft.	20 ft.
80 sq. ft.	40 sq. ft.	21 ft.

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88 sq. ft.	44 sq. ft.	22 ft.
96 sq. ft.	48 sq. ft.	23 ft.
104 sq. ft.	52 sq. ft.	24 ft.
112 sq. ft.	56 sq. ft.	25 ft.
120 sq. ft.	60 sq. ft.	26 ft.
128 sq. ft. <b>(maximum)</b>	64 sq. ft. <b>(maximum)</b>	27 ft.

- (f) Not more than five (5) colors are used. For the purposes of this Section, black and white shall not be considered colors.
  - (g) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a Residential District.
  - (h) The function of such sign is in keeping with the uses in the surrounding area
  - (i) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
  - (j) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
- 4) In making its determination, the board shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and its general appearance.
- 5) Not more than one (1) monument style free standing sign may be authorized for any one business establishment. Where more than one business establishment is located on a single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) monument style free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to

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one (1) monument style free standing sign, except in the case of a shopping center which is contiguous to two streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) monument style free standing sign, fronting each street, may be authorized.

**SECTION 22.05 - PROHIBITED SIGNS:** The following signs shall be prohibited in Orange Township:

- a) Signs mounted upon the roof of any building or structure.
- b) Signs not otherwise specifically authorized by this Resolution.
- c) Portable signs and billboards, banners, pennants, streamers, flashing lights, portable search lights, string of lights, "A" frame signs and billboards, or air-activated attraction devices.
- d) Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- e) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the roof of any building or structure.
- f) No sign shall be attached to any fence within the right-of-way of any road and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
- g) Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

**SECTION 22.06 - GENERAL REGULATIONS:** The following restrictions shall apply to all signs located and erected within the township regardless of type, style, location, design or other classification.

- a) **Stability:** Display signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property.
- b) **Location:** No sign shall be located within the right-of-way of any public or private road within the township. Said sign or signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- c) **Lighting:**

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- 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent properties.
  - 2) Ground lighting fixtures and illuminating devices for signs shall be screened from view by site grading or evergreen shrubs and shall be installed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets. All efforts must be made to minimize glare. Any plans to illuminate with ground lighting will be subject to review and approval by the zoning inspector, and shall be shown on the sign permit application.
  - 3) No flashing, rotating or moving light source shall be permitted on any sign within the township.
  - 4) Except as permitted in Section 22.02 h), no exposed neon lighting, exposed neon look-alike lighting, exposed light emitting diode (LED) lighting or other exposed tube lighting shall be permitted. This prohibition shall extend to and include all exterior signage, and signage or other accents placed in a window.
- d) Lettering:** There shall be not more than two (2) types nor more than three (3) sizes of lettering used for any sign including characters, logos or trademarks used for identification.
- e) Colors:** Not more than five (5) colors are used. For purposes of this Section, black and white shall not be considered colors.
- f) Sight Interference:** No sign shall be permitted in Orange Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- g) Maintenance:** All signs or billboards constructed or erected within Orange Township shall be maintained as follows:
- 1) All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
- h) Traffic Safety - Colors, etc.:** Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- i) Height:** No sign shall be erected to a height greater than permitted by the specific provisions of Sections 22.03 and 22.04. If no maximum height is otherwise set forth no sign shall be erected at a height greater than fifteen (15)

feet.

- j) Sign Area:** The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, up to a maximum of one thousand two hundred (1200) square feet, street frontage being defined as the total width of that side of the building which faces the street, **excluding any extension of a building wall beyond the building itself.** In the case of a corner lot or other situation where the building site abuts more than one public street, (not including alleys), only the street frontage of the building along one such public street, as specified by the applicant, shall be used in determining the aggregate sign area or display surface of all exterior signs of every nature and signs may be permitted on the basis of the area authorized above for each lineal foot of that street frontage up to the stated maximum. The total sign area of all exterior signs of every nature on any one side of a building site shall not exceed the allowable area computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts an R-District, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said R-District is less than one hundred and fifty (150) feet.

**SECTION 22.07 - ABANDONED SIGNS:** If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any of the following criteria:

- a)** Any sign or billboard associated with an abandoned non-conforming use.
- b)** Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- c)** Any sign or billboard that is not maintained in accordance with this Resolution.

When the zoning inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by ordinary mail, of his findings. Such notice shall advise the owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner may

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appeal such decision to the Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

It shall be the duty of the zoning inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.

If the sign is not removed as ordered, the same may be removed by the township at the expense of the lessee or owner. If the township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Delaware County Auditor for collection as a special assessment against the property on which the sign is located.

**SECTION 22.08 - NON-CONFORMING SIGNS OR BILLBOARDS:** Any sign or billboard in existence within the township prior to the effective date of this Article, that does not conform with the provisions of this Article is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty percent (50%) of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

**SECTION 22.09 - PERMIT:** No signs, except as provided for in Section 22.02 of this Resolution, shall be erected prior to the issuance of a permit therefor by the zoning



inspector.

- a) **Fees** - The applicant for a permit herein shall pay such fees as is prescribed by the Orange Township Board of Trustees. Such fees shall be prescribed annually, or more often, by the trustees.
- b) **Verification of Location - Monument Style Freestanding Signs and Outdoor Advertising or Billboards** - Prior to the issuance of a permit for a monument style freestanding sign or outdoor advertising or billboard, the applicant shall stake the proposed location and the zoning inspector shall verify that it is as permitted.
- c) **Term of Permit** - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- d) **Inspection** - All signs and billboards erected within this township are subject to inspection, whether a permit is required or not prior to erection. The zoning inspector or any other official of the township, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this article are being complied with. Such inspection may be made at any reasonable time and the zoning inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- e) **Cancellation of Permit** - In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution said permit may be revoked upon compliance with the following terms:
  - 1) Notice: The zoning inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XVIII of this Resolution dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the zoning inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.
- f) **Removal of Signs** - The zoning inspector may effect removal of any sign illegally placed within the right-of-way of any road within this township. The zoning inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred and eighty (180) days after mailing of notice by the zoning inspector said sign may be destroyed.

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**SECTION 22.10 - SPECIAL EVENTS - PERMIT REQUIRED:** Within any commercial or industrial district or within any non-residential portion of a residential district; and upon application a permit may be granted for a specified time for a one (1) time "grand opening sale." No permit shall be granted for longer than fifteen (15) days.

- a) Portable signs, banners, pennants, streamers, flashing lights, string of lights, "A" frame signs, air-activated attraction devices, portable search lights with generator (to be aimed at the sky), balloons, or air filled figures may be incorporated into this event.
- b) All signs erected under this Section shall comply with Section 22.06 - General Regulations; a) through i).

**ARTICLE XXIII**

**RESERVED**

**ARTICLE XXIV - NON-CONFORMING USES**

**SECTION 24.01 - CONTINUANCE:** The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

**SECTION 24.02 - RESTORATION:** When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than sixty percent (60%) of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution, as amended, for the district in which it is located, or unless a conditional use permit is issued by the Board of Zoning Appeals pursuant to Article XXVIII; provided, however, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purposes of this section "value" shall be defined as the reproduction cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

**SECTION 24.03 - ENLARGEMENT:** No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to Article XXVIII and this Section.

The board shall have the power to permit changes and extensions of non-conforming uses as follows:

- a) A non-conforming use of a less objectionable nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) A non-conforming use shall not be extended by more than fifty percent (50%) of the size of the non-conforming use that existed at the time of passage of this Zoning Resolution.

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The board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

**SECTION 24.04 - NON-CONFORMING LOTS:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the zoning district in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXVIII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the zoning district in which such ownership is located.

**ARTICLE XXV – ZONING INSPECTOR – ZONING CERTIFICATES AND APPLICATIONS**

**SECTION 25.01 - TOWNSHIP ZONING INSPECTOR:** The Orange Township Board of Trustees shall appoint a township zoning inspector, together with such assistants as may be necessary. It shall be the duty of the zoning inspector to compare each zoning permit application with the then existing zoning map. The zoning inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000) as fixed by the Orange Township Board of Trustees. Such surety company or real estate bond shall be approved by the Orange Township Board of Trustees and the bond shall be conditioned upon the faithful performance of such zoning inspector's official duties. Such bond shall be deposited with the township fiscal officer. The compensation for such zoning inspector shall be set and paid by the Orange Township Board of Trustees.

**SECTION 25.02 - ZONING PERMIT REQUIRED:** No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same, nor shall any use of land be commenced until a zoning permit for same has been issued by the zoning inspector, which zoning certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved development plan. No zoning permit shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a permit be required for use of land or building or construction of any building used for public utility or railroad purposes. Additionally, no zoning permit shall be required for any tent, sidewalk, fence, children's swing set, children's sandbox, children's playhouse or other accessory building having less than 100 square feet of floor space, children's above ground wading pool, or similar structure(s).

**SECTION 25.03 - PROCEDURES FOR OBTAINING ZONING PERMIT:** No zoning permit shall be issued by the zoning inspector until the zoning permit application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning permit shall be issued by the zoning inspector until the applicant for said zoning permit has submitted a plat plan of the area upon which the applicant's use or structure is proposed. Said plat shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

**SECTION 25.04 - CONDITIONS OF PERMIT:** No zoning permit shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

**SECTION 25.05 - CERTIFICATE OF COMPLIANCE:** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning Certificate of Compliance shall have been issued therefore by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

**SECTION 25.06 - TEMPORARY CERTIFICATE OF COMPLIANCE:** A temporary zoning Certificate of Compliance may be issued by the zoning inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**SECTION 25.07 - ZONING PERMIT (CHANGE OF USE):** No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning permit being issued therefor by the zoning inspector. No zoning permit shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

**SECTION 25.08 - NON-CONFORMING USES:** Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

**SECTION 25.09 - RECORDS:** A record of all zoning permits and certificates of compliance shall be kept on file in the office of the zoning inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

**SECTION 25.10 - COMPLAINTS:** The zoning inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the township trustees. The zoning inspector may require that all such complaints be submitted in writing.

**SECTION 25.11 – LANDSCAPING AND ARCHITECTURAL REVIEW:** Pursuant to Section 519.171 of the Revised Code, and in addition to all other authority provided in this zoning resolution or by law, the zoning inspector is delegated the authority to enforce compliance with any zoning standards pertaining to landscaping or architectural elements. Compliance with these standards is hereby incorporated as a condition of approval, additional to all other requirements of this zoning resolution, in the review of all applications for a zoning permit or certificate of compliance, and the review of all plats, construction drawings, restrictive covenants and other necessary documents submitted for

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administrative review. In exercising this authority, the zoning inspector may request the counsel and advice of the township trustees and Zoning Commission.



**ARTICLE XXVI - ZONING COMMISSION**

**SECTION 26.01 - TOWNSHIP ZONING COMMISSION:** The Orange Township Board of Trustees hereby creates and establishes a township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the board. The Orange Township Board of Trustees may appoint two (2) alternate members to the township Zoning Commission, for terms to be determined by the board. An alternate member shall take the place of an absent regular member at any meeting of the township Zoning Commission, according to procedures prescribed by resolution by the Orange Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the Zoning Commission. Each regular or alternate member shall serve until his successor is appointed and qualified. No person shall be appointed to serve more than two (2) consecutive full terms as a regular member. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term.

**SECTION 26.02 - COMPENSATION AND EXPENSES:** The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Orange Township Board of Trustees may approve and provide. The Zoning Commission may, within the limits of monies appropriated by the Orange Township Board of Trustees for the purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

**SECTION 26.03 - FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION:** The Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Orange Township Board of Trustees of this Zoning Resolution when requested to do so by the township trustees.

The Zoning Commission may, within the limits of the monies appropriated by the Orange Township Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation,

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or both, as the Orange Township Board of Trustees may approve and provide.

No township trustee shall be employed by the Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

**SECTION 26.04 - ZONING SECRETARY:** To assist in the administration of this Zoning Resolution, the Orange Township Board of Trustees may appoint a zoning secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the zoning inspector, and perform such other duties relating to this Zoning Resolution as the township trustees may from time to time direct. Alternatively, the Orange Township Board of Trustees may assign such duties to other position(s) in the township employment. Additionally, the township Fiscal Officer may be named the zoning secretary and may receive compensation for such services in addition to other compensation allowed by law.

Compensation of the person(s) performing the above duties shall be at rates set from time to time by the township trustees.

**SECTION 26.05 - MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION:** The Zoning Commission shall meet as necessary in a public building within the township.

**SECTION 26.06 - MINUTES:** The minutes of each meeting of the Zoning Commission shall be kept by the zoning secretary on file in the township hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

**ARTICLE XXVII - AMENDMENTS**

Note: It is the specific intent of Orange Township that this Article of the Zoning Resolution, including those portions providing for referendum, shall apply to all amendments or supplements, including those relating to the initial decision to designate property pursuant to Article X, Article XI, Article, XIV, and Article XVII.

**SECTION 27.01 - AMENDMENTS OR SUPPLEMENTS:**

- a) Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Orange Township Board of Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The township trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee therefor to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The township trustees shall upon the passage of such resolution certify it to the Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

- b) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
- c) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

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- 1) The name of the Zoning Commission that will be conducting the public hearing;
  - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
  - 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current tax list;
  - 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
  - 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - 7) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action.
  - 8) Any other information requested by the Zoning Commission.
- d)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:
- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment or supplement;
  - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
  - 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 4) The name of the person responsible for giving notice of the public hearing by publication;

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- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action;
  - 6) Any other information requested by the Zoning Commission.
- e) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Orange Township Board of Trustees.

The Orange Township Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the board by one (1) publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

- f) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- 1) The name of the board that will be conducting the public hearing;
  - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
  - 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current

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tax list;

- 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
  - 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - 7) Any other information requested by the board.
- g)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:
- 1) The name of the board that will be conducting the public hearing on the proposed amendment or supplement;
  - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
  - 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 4) The name of the person responsible for giving notice of the public hearing by publication;
  - 5) Any other information requested by the board.
- h)** Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Zoning Commission, a majority vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Orange Township Board of Trustees a petition, signed by a number of

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registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Orange Township Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement. Upon certification by the board of Elections that the amendment or supplement has been approved by the voters it shall take immediate effect.

All procedures in regard to a referendum shall be in strict compliance with the requirements of Chapter 519 of the Revised Code of Ohio.

Within five (5) working days after an amendment's or supplement's effective date, the Orange Township Board of Trustees shall file the text and maps of the amendment or supplement in the office of the county recorder and with the regional or county planning commission, if one exists.

The failure to file any amendment or supplement, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment or supplement and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

**SECTION 27.02 - FORM OF APPLICATION:** All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Orange Township Board of Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**SECTION 27.03 - RECORD:** On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the zoning secretary or the township fiscal officer, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the zoning secretary or of the township fiscal officer, as the case may be, shall serve as the sole transcript of such hearing.

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**SECTION 27.04 - FEES:** The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Orange Township Board of Trustees, to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the trustees.



**Article XXVIII - BOARD OF ZONING APPEALS**

**SECTION 28.01 - BOARD OF ZONING APPEALS:** A township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Orange Township Board of Trustees and who shall be residents of the unincorporated territory of the township included in the area zoned by this Zoning Resolution. The Orange Township Board of Trustees may appoint two (2) alternate members to the township Board of Zoning Appeals, for terms to be determined by the Orange Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Orange Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of all regular members shall be five (5) years and so arranged that the term of one member will expire each year. Each regular or alternate member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. No person shall be appointed to serve more than two consecutive full terms as a regular member. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 519 of the Revised Code of Ohio. Vacancies shall be filled by the Orange Township Board of Trustees and shall be for the unexpired term.

**SECTION 28.02 - ORGANIZATION:** The Board of Zoning Appeals shall organize, electing a chairman and vice- chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board of Zoning Appeals may determine. The chairman, or in his absence, the acting chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Orange Township Board of Trustees at the Orange Township Hall, 1680 E. Orange Road, Orange Township, Delaware County, Ohio, and shall be a public record. Attendance of three (3) members shall constitute a quorum. The township trustees, the township fiscal officer and the zoning inspector shall be notified in advance of all meetings conducted by the board.

**SECTION 28.03 - COMPENSATION AND EXPENSES:** The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Orange Township Board of Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the township trustees for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

**SECTION 28.04 - POWERS OF THE BOARD:** The Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 of the Revised Code, or of any Resolution adopted pursuant thereto;
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship in the case of use variances, or practical difficulties in the case of area variances, and so that the spirit of the Resolution shall be observed and substantial justice done;
- c) Grant conditional use permits for the use of land, buildings, or other structures as provided for in the Zoning Resolution.
- d) Revoke an authorized variance or conditional use permit granted for the extraction of minerals, if any condition of the variance or permit is violated.

The board shall notify the holder of the variance or conditional use permit by certified mail of its intent to revoke the variance or permit under division (d) of this Section and of his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the variance or permit without a hearing. The authority to revoke a variance or conditional use permit is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

**SECTION 28.05 - PROCEDURE ON HEARING APPEALS:** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the zoning inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. Fifteen (15) copies of such appeal shall be filed in total. The zoning inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the

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papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

**SECTION 28.06 - PROCEDURE ON APPLICATION FOR VARIANCE:** The Board of Zoning Appeals, appointed by the Orange Township Board of Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Such variances may be granted by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question.

In the event that the variance requested relates solely to area requirements established or imposed by this Resolution, the board shall have power to authorize a variance from the terms of this Resolution upon a finding that literal enforcement of the Resolution will result in practical difficulties and that the spirit of this Resolution will be observed and substantial justice done.

If the variance requested relates to use restrictions or requirements established or imposed by this Resolution, the board shall have power to authorize a variance from the terms of this Resolution upon a finding that the literal enforcement of the Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done.

- a) **Public Notice** – Fifteen (15) copies of a written application for a variance shall be filed with the zoning inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the township.
- b) **Hearing and Decision** - At such hearing the applicant shall present a statement and adequate evidence, in such form as the Board of Zoning Appeals may require.
- c) **Determination - Area Variance** - In granting an area variance the board shall determine:

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- 1) That said variance will not be contrary to the public interest;
- 2) That said variance is justified due to special conditions;
- 3) That the spirit of this Resolution will be observed and substantial justice done; and
- 4) That the literal enforcement of the Resolution will result in practical difficulties. The factors to be considered and weighed in determining whether practical difficulties have been encountered shall include, but not be limited to the following:
  - (a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (b) Whether the variance is substantial;
  - (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - (d) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - (e) Whether the property owner purchased the property with knowledge of the zoning restriction; and
  - (f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

**d) Determination - Use Variance** - In granting a use variance the board shall determine:

- 1) That said variance will not be contrary to the public interest;
- 2) That said variance is justified due to special conditions;
- 3) That the literal enforcement of the Resolution will result in unnecessary hardship; and
- 4) That the spirit of this Resolution will be observed and substantial justice done.

**e) Determination - Conditions** - In granting any variance under the provisions of this Section, the Board of Zoning Appeals shall designate such conditions

in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application of which the variance is granted.

- f) **Form of Application** - All applications for variances under this section shall be submitted on such forms as designated and approved by the Orange Township Board of Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**SECTION 28.07 - PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT:** The owner or lessee of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) **Application** – Fifteen (15) copies of an application for Conditional Use Permit shall be submitted on such forms as designated and/or approved by the Orange Township Board of Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- b) **Hearing** - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- c) **Notice** - Notice of the application for Conditional Use Permit and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing.
- d) **Decision** - The board shall make its decision within a reasonable time after the hearing. In the event the board, in its discretion, approves the Conditional Use Permit, it may impose such reasonable conditions, safeguards and restrictions as it deems necessary to insure that the use will be conducted in the best interest of the zoning district. In addition to the specific requirements for conditional uses specified in the district regulations, or elsewhere in this zoning resolution, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall only approve such conditional use if it determines that such use at the proposed location is in compliance with such specific requirements and that:
  - 1) The proposed use is in fact a conditional use as established under the district regulations or elsewhere in this zoning resolution.

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- 2) The proposed use is of such a nature, and designed to be constructed, operated and maintained in such a manner, so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 3) The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- 4) The proposed 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.
- 5) The proposed use will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 6) The proposed use will have vehicular approaches to the property which are so designed as not to create an interference with traffic on surrounding public thoroughfares.
- 7) The proposed use will be consistent with the objectives of this zoning resolution and the Orange Township comprehensive plan.
- 8) The proposed use will be in the interest of the public health, safety, and morals.

Failure to comply with the terms of a conditional use permit shall result in a zoning violation and/or possible revocation of the conditional use permit, as provided below.

- e) **Revocation** - The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that permit. The board shall notify the holder of the permit by certified mail of its intent to revoke the permit and the holders' right to a hearing before the board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the zoning inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

**SECTION 28.08 - DECISION OF BOARD:** The Board of Zoning Appeals shall act by Resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason by a granting or denying the request. A copy of the board's Resolution accompanied by the board's finding of fact shall be mailed to the applicant by ordinary mail.

**SECTION 28.09 - PUBLIC INFORMATION:** All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the board shall be made a part of the record. The record of the board's proceeding in any matter shall be kept on file in the township office at the Orange Township Hall, 1680 E. Orange Road, Orange Township, Delaware County, Ohio, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

**SECTION 28.10 - RECORD:** For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the zoning secretary requesting that a court reporter be retained to make such record and the applicant shall deposit with his request cash in the amount established by the trustees to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the zoning secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.

**SECTION 28.11 - FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE:** For all actions of the Board of Zoning Appeals the Orange Township Board of Trustees shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

**ARTICLE XXIX - ENFORCEMENT**

**SECTION 29.01 - VIOLATIONS:** No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Orange Township Board of Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

**SECTION 29.02 - REMEDIES:** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Orange Township Board of Trustees under such resolution, such board, the prosecuting attorney of the county, the zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The township trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.

**SECTION 29.03 - PENALTY:** Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, Ohio Revised Code, shall be fined not more than five hundred dollars (\$500.00) for each offense or the maximum fine or imprisonment as provided by law, whichever is greater. Each day during which a violation occurs or continues shall constitute a separate offense.



**ARTICLE XXX - SEVERABILITY AND REPEAL**

**SECTION 30.01 - SEVERABILITY:** If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

**SECTION 30.02 - REPEAL:** This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Revised Code of Ohio as amended.

**SECTION 30.03 - REPEAL OF CONFLICTING RESOLUTION:** The Orange Township Zoning Resolution or parts thereof previously in effect in Orange Township, Delaware County, Ohio, not otherwise adopted as part of this Zoning Resolution, and in conflict with the Zoning Resolution as it is established on November 25, 1982, or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon,

abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.