

ARTICLE 15 Berlin Commercial Overlay (BCO)

SECTION 15.01: PURPOSE

The Berlin Commercial Overlay (the “BCO”) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office, and commercial development. The overlay encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

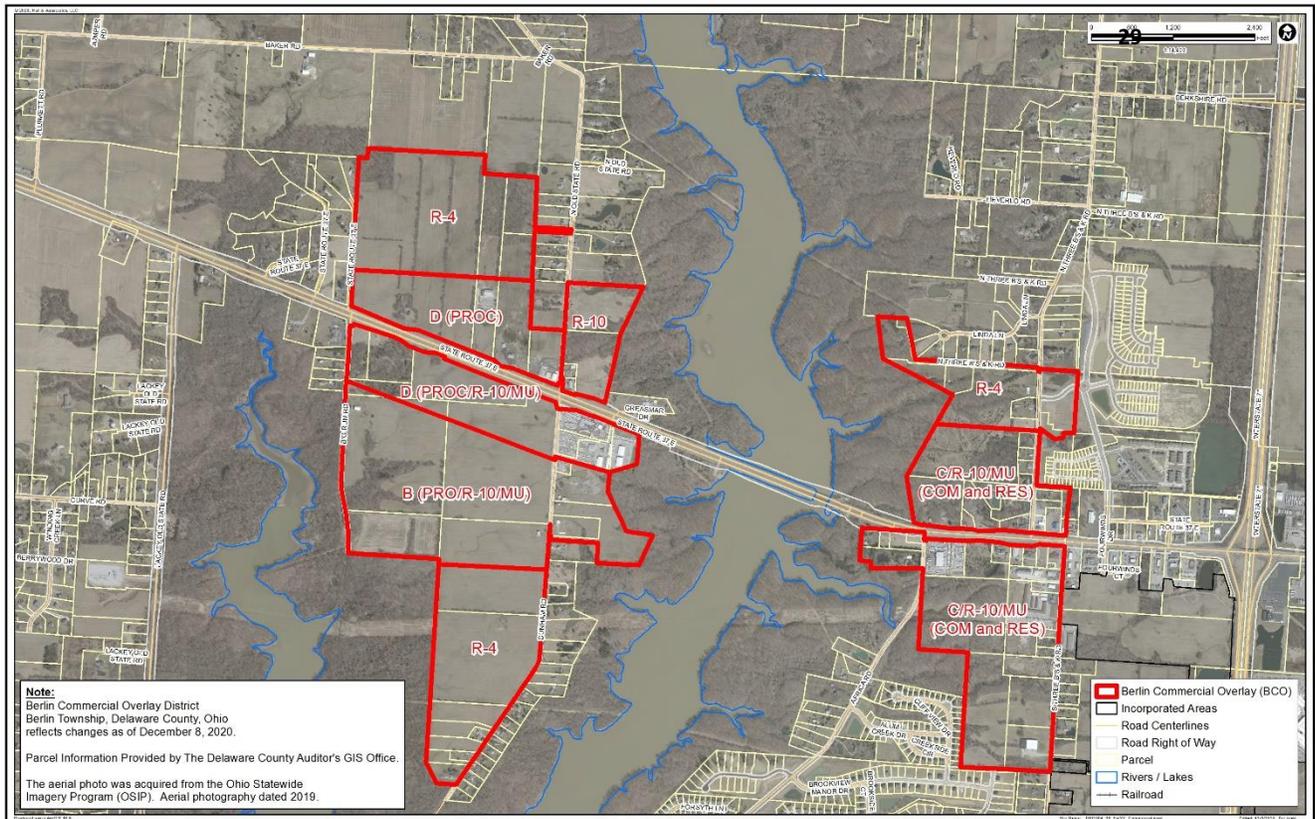
- Preserves unique or sensitive natural resources and integrates Open Space within developments.
- Plans the appropriate amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance.
- Provides an opportunity for an appropriate mix of uses.
- Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
- Assures compatibility between proposed land uses through appropriate development controls.
- Enhances the welfare and economy of the Township by making available a variety of employment opportunities, providers of goods and services as well as providing a variety of housing options for the Township residents.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

SECTION 15.02 – OVERLAY AREA ESTABLISHED

The BCO encompasses, includes, overlays, and rezones the area shown on the Berlin Commercial Overlay Zoning District Map, which is incorporated herein and is hereby adopted as the official Zoning District Map for the BCO. The zoning regulations and districts in existence at the time of the effective date of the BCO rezoning shall continue to apply to all property within the BCO, unless the Berlin Township Board of Trustees (the “Trustees”), in accordance with Section 15.06, approve an application submitted by a property owner and/or their agent (the “Applicant”), to subject their property to the provisions of the BCO. Such an application shall be made in accordance with the provisions of this Article 15 and all other applicable Articles of the Berlin Township Zoning Resolution (the “Zoning Resolution”).

For purposes of this BCO, the area designated as PROC/R-10/MU and PRO/R-10/MU located to the south of State Route 37 shall be referred to as the “Peninsula MU Area”.

Berlin Commercial Overlay Zoning District Map



Parcels determined by the Delaware County Auditor's Office to be in existence as of September 9, 2020.

SECTION 15.03: PERMITTED USE TABLE

A.) Within the individual Subareas of the Berlin Commercial Overlay (BCO) the following uses, as described by the North American Industrial Classification System (NAICS), shall be permitted within the subarea noted with an "X" when developed in strict compliance with the approved Development Plan and the standards of this Resolution.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

2017 U.S. NAICS CODE #	PERMITTED USES	PR OC	PR O	CO M	RE S
	<i>Use map reference</i>				
	<i>Subarea on zoning map</i>	D	B	C	R
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers				
423410	Photographic Equipment and Supplies Merchant Wholesalers	X	X		
423420	Office Equipment Merchant Wholesalers	X	X		
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	X	X		
423440	Other Commercial Equipment Merchant Wholesalers	X	X		
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	X	X		
423460	Ophthalmic Goods Merchant Wholesalers	X	X		
423490	Other Professional Equipment and Supplies Merchant Wholesalers	X	X		
4236	Household Appliances and Electrical and Electronic Goods Merchant Wholesalers				
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	X	X		
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers	X	X		
423690	Other Electronic Parts and Equipment Merchant Wholesalers	X	X		
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers				
423710	Hardware Merchant Wholesalers	X	X		
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	X	X		
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	X	X		
423740	Refrigeration Equipment and Supplies Merchant Wholesalers	X	X		
	Wholesalers				
4239	Miscellaneous Durable Goods Merchant Wholesalers				
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	X	X		
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	X	X		
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	X	X		
423990	Other Miscellaneous Durable Goods Merchant Wholesalers	X	X		
4241	Paper and Paper Product Merchant Wholesalers				
424110	Printing and Writing Paper Merchant Wholesalers	X	X		
424120	Stationery and Office Supplies Merchant Wholesalers	X	X		
424130	Industrial and Personal Service Paper Merchant Wholesalers	X	X		
4242	Drugs and Druggists' Sundries Merchant Wholesalers				
424210	Drugs and Druggists' Sundries Merchant Wholesalers	X	X		
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers				
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	X	X		
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	X	X		
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	X	X		
424340	Footwear Merchant Wholesalers	X	X		

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	<i>Use map reference</i>				
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4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers				
424810	Beer and Ale Merchant Wholesalers	X	X		
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	X	X		
4251	Wholesale Electronic Markets and Agents and Brokers				
425110	Business to Business Electronic Markets	X	X		
425120	Wholesale Trade Agents and Brokers	X	X		
Retail Trade					
4421	Furniture Stores				
442110	Furniture Stores	X		X	
4422	Home Furnishings Stores				
442210	Floor Covering Stores	X		X	
442291	Window Treatment Stores	X		X	
442299	All Other Home Furnishings Stores	X		X	
4431	Electronics and Appliances Stores				
443141	Household Appliance Stores	X		X	
443142	Electronics Stores	X		X	
4441	Building Material and Supplies Dealers				
444110	Home Centers	X		X	
444120	Paint and Wallpaper Stores	X		X	
444130	Hardware Stores	X		X	
444190	Other Building Material Dealers	X		X	
4442	Lawn and Garden Equipment and Supplies Stores				
444210	Outdoor Power Equipment Stores	X		X	
444220	Nursery, Garden Center, and Farm Supply Stores	X		X	

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	<i>Use map reference Subarea on zoning map</i>	D	B	C	R
4451	Grocery Stores				
445110	Supermarkets and Other Grocery (except Convenience) Stores	X		X	
445120	Convenience Stores	X		X	
4452	Specialty Food Stores				
445220	Fish and Seafood Markets	X		X	
445230	Fruit and Vegetable Markets	X		X	
445291	Baked Goods Stores	X		X	
445292	Confectionery and Nut Stores	X		X	
445299	All Other Specialty Food Stores	X		X	
4453	Beer, Wine, and Liquor Stores				
445310	Beer, Wine, and Liquor Stores	X		X	
4461	Health and Personal Care Stores				
446110	Pharmacies and Drug Stores	X		X	
446120	Cosmetics, Beauty Supplies, and Perfume Stores	X		X	
446130	Optical Goods Stores	X		X	
446191	Food (Health) Supplement Stores	X		X	
446199	All Other Health and Personal Care Stores	X		X	
4481	Clothing Stores				
448110	Men's Clothing Stores	X		X	
448120	Women's Clothing Stores	X		X	
448130	Children's and Infants' Clothing Stores	X		X	
448140	Family Clothing Stores	X		X	
448150	Clothing Accessories Stores	X		X	
448190	Other Clothing Stores	X		X	
4482	Shoe Stores				
448210	Shoe Stores	X		X	
4483	Jewelry, Luggage, and Leather Goods Stores				
448310	Jewelry Stores	X		X	
448320	Luggage and Leather Goods Stores	X		X	
Retail Trade					
4511	Sporting Goods, Hobby, and Musical Instrument Stores				
451110	Sporting Goods Stores	X		X	
451120	Hobby, Toy, and Game Stores	X		X	
451130	Sewing, Needlework, and Piece Goods Stores	X		X	
451140	Musical Instrument and Supplies Stores	X		X	
4512	Book Stores and News Dealers	X		X	
451211	Book Stores	X		X	
451212	News Dealers and Newsstands	X		X	

2017 U.S. NAICS CODE #	PERMITTED USES	PR OC	PR O	CO M	RE S
	<i>Use map reference Subarea on zoning map</i>	D	B	C	R
4531	Florists				
453110	Florists	X		X	
4532	Office Supplies, Stationery, and Gift Stores				
453210	Office Supplies and Stationery Stores	X		X	
453220	Gift, Novelty, and Souvenir Stores	X		X	
4533	Used Merchandise Stores				
453310	Used Merchandise Stores	X		X	
4539	Other Miscellaneous Store Retailers				
453910	Pet and Pet Supplies Stores	X		X	
453920	Art Dealers	X		X	
4541	Electronic Shopping and Mail-Order Houses				
454110	Electronic Shopping and Mail-Order Houses	X	X	X	
Information (except those including adult entertainment)					
5111	Newspaper, Periodical, Book, and Directory Publishers				
511110	Newspaper Publishers	X	X		
511120	Periodical Publishers	X	X		
511130	Book Publishers	X	X		
511140	Directory and Mailing List Publishers	X	X		
511191	Greeting Card Publishers	X	X		
511199	All Other Publishers	X	X		
5112	Software Publishers				
511210	Software Publishers	X	X		
5173	Wired and Wireless Telecommunications Carriers				
517311	Wired Telecommunications Carriers	X	X		
517312	Wireless Telecommunications Carriers (except Satellite)	X	X		
5182	Data Processing, Hosting, and Related Services				

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	<i>Use map reference</i>				
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518210	Data Processing, Hosting, and Related Services	X	X		
5191	Other Information Services				
519110	News Syndicates	X	X		
519120	Libraries and Archives	X	X		
519130	Internet Publishing and Broadcasting and Web Search Portals	X	X		
519190	All Other Information Services	X	X		
	Finance and Insurance				
5211	Monetary Authorities-Central Bank				
521110	Monetary Authorities-Central Bank	X	X	X	
5221	Depository Credit Intermediation				
522110	Commercial Banking	X	X	X	
522120	Savings Institutions	X	X	X	
522130	Credit Unions	X	X	X	
522190	Other Depository Credit Intermediation	X	X	X	
5222	Nondepository Credit Intermediation				
522210	Credit Card Issuing	X	X	X	
522220	Sales Financing	X	X	X	
522291	Consumer Lending	X	X	X	
522292	Real Estate Credit	X	X	X	
522293	International Trade Financing	X	X	X	
522294	Secondary Market Financing	X	X	X	
522298	All Other Nondepository Credit Intermediation	X	X	X	
5223	Activities Related to Credit Intermediation				
522310	Mortgage and Nonmortgage Loan Brokers	X	X	X	
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities	X	X	X	
522390	Other Activities Related to Credit Intermediation	X	X	X	
5231	Securities and Commodity Contracts Intermediation and Brokerage				
523110	Investment Banking and Securities Dealing	X	X	X	
523120	Securities Brokerage	X	X	X	
523130	Commodity Contracts Dealing	X	X	X	
523140	Commodity Contracts Brokerage	X	X	X	
5232	Securities and Commodity Exchanges				
523210	Securities and Commodity Exchanges	X	X	X	
5239	Other Financial Investment Activities				
523910	Miscellaneous Intermediation	X	X	X	
523920	Portfolio Management	X	X	X	
523930	Investment Advice	X	X	X	
523991	Trust, Fiduciary, and Custody Activities	X	X	X	
523999	Miscellaneous Financial Investment Activities	X	X	X	
5241	Insurance Carriers				

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524113	Direct Life Insurance Carriers	X	X	X	
524114	Direct Health and Medical Insurance Carriers	X	X	X	
524126	Direct Property and Casualty Insurance Carriers	X	X	X	
524127	Direct Title Insurance Carriers	X	X	X	
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers	X	X	X	
524130	Reinsurance Carriers	X	X	X	
5242	Agencies, Brokerages, and Other Insurance Related Activities				
524210	Insurance Agencies and Brokerages	X	X	X	
524291	Claims Adjusting	X	X	X	
524292	Third Party Administration of Insurance and Pension Funds	X	X	X	
524298	All Other Insurance Related Activities	X	X	X	
5251	Insurance and Employee Benefit Funds				
525110	Pension Funds	X	X	X	
525120	Health and Welfare Funds	X	X	X	
525190	Other Insurance Funds	X	X	X	
5259	Other Investment Pools and Funds				
525910	Open-End Investment Funds	X	X	X	
525920	Trusts, Estates, and Agency Accounts	X	X	X	
525990	Other Financial Vehicles	X	X	X	
	Real Estate Rental and Leasing				
5311	Lessors of Real Estate				
531110	Lessors of Residential Buildings and Dwellings	X	X	X	
531120	Lessors of Nonresidential Buildings (except Mini-warehouses)	X	X	X	
531130	Lessors of Mini-warehouses and Self-Storage Units	X	X	X	
531190	Lessors of Other Real Estate Property	X	X	X	
5312	Offices of Real Estate Agents and Brokers				
531210	Offices of Real Estate Agents and Brokers	X	X	X	
5313	Activities Related to Real Estate				
531311	Residential Property Managers	X	X	X	
531312	Nonresidential Property Managers	X	X	X	
531320	Offices of Real Estate Appraisers	X	X	X	
531390	Other Activities Related to Real Estate	X	X	X	
5321	Automotive Equipment Rental and Leasing				
532111	Passenger Car Rental	X	X	X	
532112	Passenger Car Leasing	X	X	X	
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	X	X	X	
5322	Consumer Goods Rental				
532210	Consumer Electronics and Appliances Rental	X	X	X	
532281	Formal Wear and Costume Rental	X	X	X	
532282	Video Tape and Disc Rental	X	X	X	
532283	Home Health Equipment Rental	X	X	X	
532284	Recreational Goods Rental	X	X	X	

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	<i>Use map reference</i>				
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532289	All Other Consumer Goods Rental	X	X	X	
5323	General Rental Centers				
532310	General Rental Centers	X	X	X	
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing				
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	X	X	X	
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	X	X	X	
532420	Office Machinery and Equipment Rental and Leasing	X	X	X	
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing	X	X	X	
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)				
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	X	X	X	
Professional, Scientific, and Technical Services					
5411	Legal Services	X	X	X	
541110	Offices of Lawyers	X	X	X	
541120	Offices of Notaries	X	X	X	
541191	Title Abstract and Settlement Offices	X	X	X	
541199	All Other Legal Services	X	X	X	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services				
541211	Offices of Certified Public Accountants	X	X	X	
541213	Tax Preparation Services	X	X	X	
541214	Payroll Services	X	X	X	
541219	Other Accounting Services	X	X	X	
5413	Architectural, Engineering, and Related Services				
541310	Architectural Services	X	X	X	
541320	Landscape Architectural Services	X	X	X	
541330	Engineering Services	X	X	X	
541340	Drafting Services	X	X	X	
541350	Building Inspection Services	X	X	X	
541360	Geophysical Surveying and Mapping Services	X	X	X	
541370	Surveying and Mapping (except Geophysical) Services	X	X	X	
541380	Testing Laboratories	X	X	X	
5414	Specialized Design Services				
541410	Interior Design Services	X	X	X	
541420	Industrial Design Services	X	X	X	
541430	Graphic Design Services	X	X	X	
541490	Other Specialized Design Services	X	X	X	
5415	Computer Systems Design and Related Services				
541511	Custom Computer Programming Services	X	X	X	
541512	Computer Systems Design Services	X	X	X	
541513	Computer Facilities Management Services	X	X	X	
541519	Other Computer Related Services	X	X	X	
5416	Management, Scientific, and Technical Consulting Services				
541611	Administrative Management and General Management Consulting Services	X	X	X	
541612	Human Resources Consulting Services	X	X	X	

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	<i>Use map reference</i>				
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541613	Marketing Consulting Services	X	X	X	
541614	Process, Physical Distribution, and Logistics Consulting Services	X	X	X	
541618	Other Management Consulting Services	X	X	X	
541620	Environmental Consulting Services	X	X	X	
541690	Other Scientific and Technical Consulting Services	X	X	X	
5418	Advertising, Public Relations, and Related Services				
541810	Advertising Agencies	X	X	X	
541820	Public Relations Agencies	X	X	X	
541830	Media Buying Agencies	X	X	X	
541840	Media Representatives	X	X	X	
541850	Outdoor Advertising	X	X	X	
541860	Direct Mail Advertising	X	X	X	
541870	Advertising Material Distribution Services	X	X	X	
541890	Other Services Related to Advertising	X	X	X	
5419	Other Professional, Scientific, and Technical Services				
541910	Marketing Research and Public Opinion Polling	X	X	X	
541921	Photography Studios, Portrait	X	X	X	
541922	Commercial Photography	X	X	X	
541930	Translation and Interpretation Services	X	X	X	
541940	Veterinary Services	X	X	X	
541990	All Other Professional, Scientific, and Technical Services	X	X	X	
	Management of Companies and Enterprises				
5511	Management of Companies				
551111	Offices of Bank Holding Companies	X	X	X	
551112	Offices of Other Holding Companies	X	X	X	
551114	Corporate, Subsidiary, and Regional Managing Offices	X	X	X	
	Administrative and Support Services				
5611	Office Administrative Services				
561110	Office Administrative Services	X	X	X	
5612	Facilities Support Services				
561210	Facilities Support Services	X	X	X	
5613	Employment Services				
561311	Employment Placement Agencies	X	X	X	
561312	Executive Search Services	X	X	X	
561320	Temporary Help Services	X	X	X	
561330	Professional Employer Organizations	X	X	X	
5614	Business Support Services				
561410	Document Preparation Services	X	X	X	

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561421	Telephone Answering Services	X	X	X	
561422	Telemarketing Bureaus and Other Contact Centers	X	X	X	
561431	Private Mail Centers	X	X	X	
561439	Other Business Service Centers (including Copy Shops)	X	X	X	
561440	Collection Agencies	X	X	X	
561450	Credit Bureaus	X	X	X	
561491	Repossession Services	X	X	X	
561492	Court Reporting and Stenotype Services	X	X	X	
561499	All Other Business Support Services	X	X	X	
5615	Travel Arrangement and Reservation Services				
561510	Travel Agencies	X	X	X	
561520	Tour Operators	X	X	X	
561591	Convention and Visitors Bureaus	X	X	X	
561599	All Other Travel Arrangement and Reservation Services	X	X	X	
5616	Investigation and Security Services				
561611	Investigation Services	X	X	X	
561612	Security Guards and Patrol Services	X	X	X	
561613	Armored Car Services	X	X	X	
561621	Security Systems Services (except Locksmiths)	X	X	X	
561622	Locksmiths	X	X	X	
5619	Other Support Services				
561910	Packaging and Labeling Services	X	X	X	
561920	Convention and Trade Show Organizers	X	X	X	
561990	All Other Support Services	X	X	X	
	Educational Services				
6111	Elementary and Secondary Schools				
611110	Elementary and Secondary Schools	X	X	X	
6112	Junior Colleges				
611210	Junior Colleges	X	X	X	
6113	Colleges, Universities, and Professional Schools				
611310	Colleges, Universities, and Professional Schools	X	X	X	
6114	Business Schools and Computer and Management Training				
611410	Business and Secretarial Schools				
611420	Computer Training	X	X	X	
611430	Professional and Management Development Training	X	X	X	
6115	Technical and Trade Schools				
611511	Cosmetology and Barber Schools	X	X	X	

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611512	Flight Training	X	X	X	
611513	Apprenticeship Training	X	X	X	
611519	Other Technical and Trade Schools	X	X	X	
6116	Other Schools and Instruction				
611610	Fine Arts Schools	X	X	X	
611620	Sports and Recreation Instruction	X	X	X	
611630	Language Schools	X	X	X	
611691	Exam Preparation and Tutoring	X	X	X	
611692	Automobile Driving Schools	X	X	X	
611699	All Other Miscellaneous Schools and Instruction	X	X	X	
6117	Educational Support Services				
611710	Educational Support Services	X	X	X	
Health Care and Social Assistance					
6211	Offices of Physicians				
621111	Offices of Physicians (except Mental Health Specialists)	X	X	X	
621112	Offices of Physicians, Mental Health Specialists	X	X	X	
6212	Offices of Dentists				
621210	Offices of Dentists	X	X	X	
6213	Offices of Other Health Practitioners				
621310	Offices of Chiropractors	X	X	X	
621320	Offices of Optometrists	X	X	X	
621330	Offices of Mental Health Practitioners (except Physicians)	X	X	X	
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists	X	X	X	
621391	Offices of Podiatrists	X	X	X	
621399	Offices of All Other Miscellaneous Health Practitioners	X	X	X	
6214	Outpatient Care Centers				
621410	Family Planning Centers	X	X	X	
621420	Outpatient Mental Health and Substance Abuse Centers	X	X	X	
621491	HMO Medical Centers	X	X	X	
621492	Kidney Dialysis Centers	X	X	X	
621493	Freestanding Ambulatory Surgical and Emergency Centers	X	X	X	
621498	All Other Outpatient Care Centers				
6215	Medical and Diagnostic Laboratories				
621511	Medical Laboratories	X	X	X	
621512	Diagnostic Imaging Centers	X	X	X	
6216	Home Health Care Services				
621610	Home Health Care Services	X	X	X	
6219	Other Ambulatory Health Care Services				
621910	Ambulance Services				
621991	Blood and Organ Banks	X	X	X	
621999	All Other Miscellaneous Ambulatory Health Care Services	X	X	X	
6221	General Medical and Surgical Hospitals				

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622110	General Medical and Surgical Hospitals	X	X	X	
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals				
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals	X	X	X	
6231	Nursing Care Facilities (Skilled Nursing Facilities)				
623110	Nursing Care Facilities (Skilled Nursing Facilities)	X	X	X	
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly				
623311	Continuing Care Retirement Communities	X	X	X	
623312	Assisted Living Facilities for the Elderly	X	X	X	
6239	Other Residential Care Facilities				
623990	Other Residential Care Facilities	X	X	X	
6241	Individual and Family Services				
624110	Child and Youth Services		X	X	
624120	Services for the Elderly and Persons with Disabilities		X		
624190	Other Individual and Family Services		X		
6243	Vocational Rehabilitation Services				
624310	Vocational Rehabilitation Services		X		
6244	Child Day Care Services				
624410	Child Day Care Services	X		X	
Arts, Entertainment, and Recreation					
7121	Museums, Historical Sites, and Similar Institutions				
712110	Museums	X		X	
712120	Historical Sites				
712130	Zoos and Botanical Gardens				
712190	Nature Parks and Other Similar Institutions				
7139	Other Amusement and Recreation Industries				
713910	Golf Courses and Country Clubs				
713920	Skiing Facilities	X		X	
713930	Marinas	X		X	
713940	Fitness and Recreational Sports Centers	X		X	
713950	Bowling Centers	X		X	

2017 U.S. NAICS CODE #	PERMITTED USES	PR OC	PR O	CO M	RE S
	<i>Use map reference</i>				
	<i>Subarea on zoning map</i>	D	B	C	R
713990	All Other Amusement and Recreation Industries	X		X	
Accommodation and Food Services					
7211	Traveler Accommodation				
721110	Hotels (except Casino Hotels) and Motels	X		X	
721191	Bed-and-Breakfast Inns	X		X	
721199	All Other Traveler Accommodation	X		X	
7223	Special Food Services				
722310	Food Service Contractors	X		X	
722320	Caterers	X		X	
722330	Mobile Food Services	X		X	
7225	Restaurants and Other Eating Places				
722511	Full-Service Restaurants	X		X	
722513	Limited-Service Restaurants	X		X	
722514	Cafeterias, Grill Buffets, and Buffets	X		X	
722515	Snack and Nonalcoholic Beverage Bars	X		X	
Other Services (except Public Administration)					
8121	Personal Care Services				
81211	Barber Shop	X		X	
812112	Beauty Salons	X		X	
812113	Nail Salons	X		X	
812191	Diet and Weight Reducing Centers	X		X	
812199	Other Personal Care Services	X		X	
8122	Death Care Services				
812210	Funeral Homes and Funeral Services	X		X	
812220	Cemeteries and Crematories	X		X	
8123	Drycleaning and Laundry Services				
812310	Coin-Operated Laundries and Drycleaners	X		X	
812320	Drycleaning and Laundry Services (except Coin-Operated)	X		X	
812331	Linen Supply	X		X	
812332	Industrial Launderers	X		X	
8129	Other Personal Services				
812910	Pet Care (except Veterinary) Services	X		X	
812921	Photofinishing Laboratories (except One-Hour)	X		X	
812922	One-Hour Photofinishing	X		X	
812930	Parking Lots and Garages	X		X	

2017 U.S. NAICS CODE #	PERMITTED USES	PR OC	PR O	CO M	RE S
	<i>Use map reference</i>				
	<i>Subarea on zoning map</i>	D	B	C	R
812990	All Other Personal Services	X		X	
8131	Religious Organizations				
813110	Religious Organizations	X		X	
8132	Grantmaking and Giving Services				
813211	Grantmaking Foundations	X		X	
813212	Voluntary Health Organizations	X		X	
813219	Other Grantmaking and Giving Services	X		X	
8133	Social Advocacy Organizations				
813311	Human Rights Organizations	X		X	
813312	Environment, Conservation and Wildlife Organizations	X		X	
813319	Other Social Advocacy Organizations	X		X	
		X		X	
8134	Civic and Social Organizations	X		X	
813410	Civic and Social Organizations	X		X	
8139	Business, Professional, Labor, Political, and Similar Organizations				
813910	Business Associations	X		X	
813920	Professional Organizations	X		X	
813930	Labor Unions and Similar Labor Organizations	X		X	
813940	Political Organizations	X		X	
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	X		X	
	Public Administration				
9211	Executive, Legislative, and Other General Government Support				
921110	Executive Offices	X	X	X	
921120	Legislative Bodies	X	X	X	
921130	Public Finance Activities	X	X	X	
921140	Executive and Legislative Offices, Combined	X	X	X	
921150	American Indian and Alaska Native Tribal Governments	X	X	X	
921190	Other General Government Support	X	X	X	
9231	Administration of Human Resource Programs				
923110	Administration of Education Programs	X	X	X	
923120	Administration of Public Health Programs	X	X	X	
923130	Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)	X	X	X	
923140	Administration of Veterans' Affairs	X	X	X	
9241	Administration of Environmental Quality Programs				
924110	Administration of Air and Water Resource and Solid Waste Management Programs	X	X	X	
924120	Administration of Conservation Programs	X	X	X	

2017 U.S. NAICS CODE #	PERMITTED USES	PR OC	PR O	CO M	RE S
	<i>Use map reference</i>				
	<i>Subarea on zoning map</i>	D	B	C	R
9251	Administration of Housing Programs, Urban Planning, and Community Development				
925110	Administration of Housing Programs	X	X	X	
925120	Administration of Urban Planning and Community and Rural Development	X	X	X	
9261	Administration of Economic Programs				
926110	Administration of General Economic Programs	X	X	X	
926120	Regulation and Administration of Transportation Programs	X	X	X	
926130	Regulation and Administration of Communications, Electric, Gas, and Other Utilities	X	X	X	
926140	Regulation of Agricultural Marketing and Commodities	X	X	X	
926150	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors	X	X	X	
9271	Space Research and Technology				
927110	Space Research and Technology	X	X	X	
9281	National Security and International Affairs				
928110	National Security	X	X	X	
928120	International Affairs	X	X	X	
N/A	Residential Uses in accordance with the limitations and regulations defined in 15.03(C) and 15.05(B).				X

B.) Temporary Structures:

Temporary structures such as manufactured/mobile offices and temporary buildings may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than twice for a total combined period of time under all issued permits not exceeding eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector shall require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

C.) Within the areas labeled “R-4” or “R-10” on the BCO Overlay Map, the following uses shall be permitted when developed in strict compliance with the approved Development Plan, including the development standards set forth in Section 15.05, and all other applicable Articles of the Zoning Resolution. Map and Text references to “R-4” within this Article only refer to the BCO and do not refer in any way to Article 10, Multi-Type Residential District.

- 1.) “R-4” and “R-10” residential uses shall be permitted provided they include multi-family residential structures that qualify as “commercial residential” by having at least four dwelling units. These types of commercial residential units include but are not limited to attached, modular, townhouse, patio or common wall units, usually of a condominium nature. Such uses shall further comply with the building size and density requirements in 15.03(C)(1)(a) and (b) below

Berlin Commercial Overlay (BCO)

- a. Areas designated as “R-4” are limited to multi-family residential structures that contain no more than four dwelling units per building and the density shall not exceed four (4) dwelling units per net developable acre, as defined by Article 4 of the Berlin Township Zoning Resolution.
 - b. Unless otherwise limited by Section 15.03(E)(1), areas designated as “R-10” may include apartment style buildings with more than four (4) dwelling units per building, provided the overall density does not exceed ten (10) dwelling units per net developable, acre as defined by Article 4 of the Berlin Township Zoning Resolution.
- D.) Non-residential uses of a religious, cultural, education or recreational nature or character to the extent that they are designed and intended to serve the residents of the surrounding area. 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.) Mixed Use Buildings: Mixed Use Buildings, as defined in Section 15.07, may be permitted in any subarea that includes a “MU” designation. These buildings are permitted to include any PROC use on the ground floor and residential uses on the upper floors, provided the overall residential density for the development plan does not exceed ten (10) dwelling units per net developable acre nor causes the maximum number of units per Section 15.03(E)(1) to be exceeded. If a building does not comply with the definition of a Mixed Use Building, then said building is limited to only those uses designated as a permitted use for said subarea in Section 15.03 (A) Permitted Use Table.
- 1.) **Maximum Number of Dwelling Units in Mixed Use Areas:** There shall be a maximum of 500 dwelling units across the Peninsula MU Area as defined in Section 15.02. The unit limitation shall apply to all residential unit types permitted by this overlay.
 - 2.) Mixed-Use Buildings within the Peninsula MU Area may also include roof top restaurants, gardens, and other common use areas provided the overall height of the use does not exceed the requirements in Section 15.05(A)(5) and such uses are not operated between the hours of 10 p.m. and 8 a.m. For purposes of this height calculation, a dashed line, representing maximum allowable building height per section 15.05(A)(5), shall be drawn on the development plan required in Section 15.06(B). All rooftop uses and appurtenances shall be located below this dashed line. Additionally, any Mixed-Use Building that includes a roof top use and is located adjacent to an existing parcel utilized for residential purposes at the time of adoption of this overlay as identified and defined by the list in Appendix A of this Resolution, shall be set back a minimum of 550 feet from the parcel line abutting the existing residential use.

SECTION 15.04: PROHIBITED USES

- A.) Uses not specifically authorized by the express terms of this article of the Zoning Resolution are prohibited. Such uses, if included in another District(s) in the Berlin Township Zoning Resolution, shall only be approved as a part of a rezoning procedure as permitted by the Zoning Resolution. The granting of a conditional use permit on one parcel shall not be construed to automatically permit that conditional use on any other parcel.
- B.) The outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen consecutive (14) days is prohibited.
- C.) No trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district. If a structure is located on said lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum setback line established by this resolution, the restrictions in the plat or deed or the

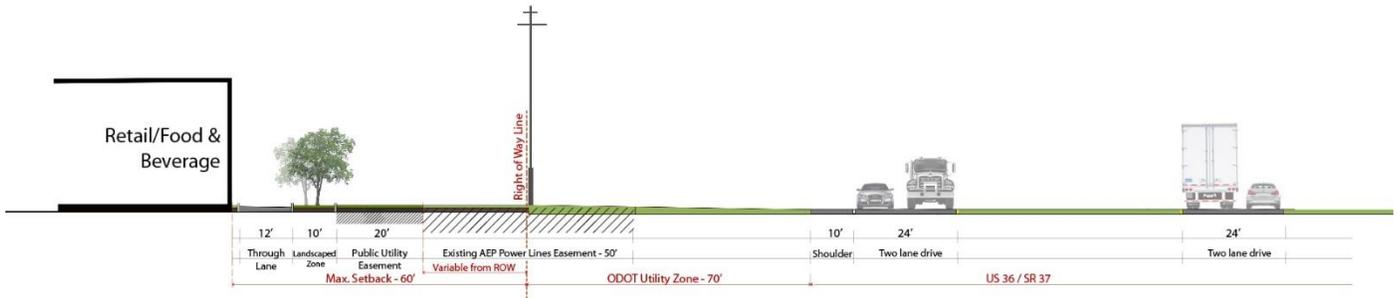
development plan.

- D.) Except as specifically permitted in Section 15.03(B), no mobile home or mobile office structure shall be placed or occupied in this district.
- E.) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Board of Township Trustees. The Board of Township Trustees shall also retain any and all statutory authority that it may be afforded regarding nuisances, including but not limited to the authorities provided in Section 505 of the Ohio Revised Code.
- F.) No commercial or business activity shall be conducted in a unit designed for residential use except for Home Occupations as provided in Section 24.15 and 24.16.
- G.) No outside storage of any kind shall be permitted. All permitted uses shall be conducted completely within an enclosed building.

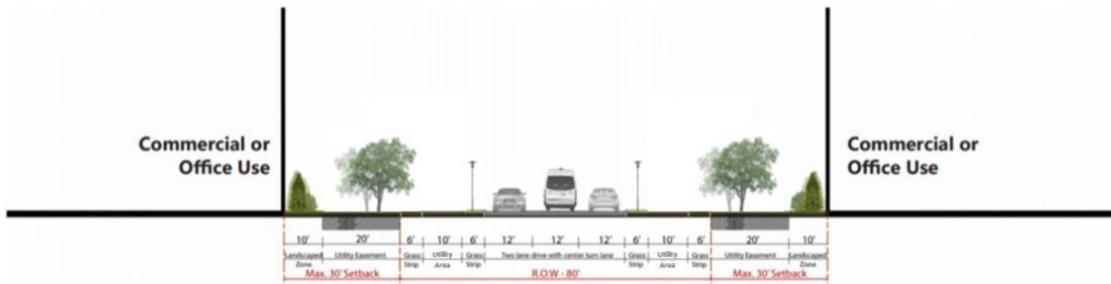
SECTION 15.05: DEVELOPMENT AND DESIGN STANDARDS

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

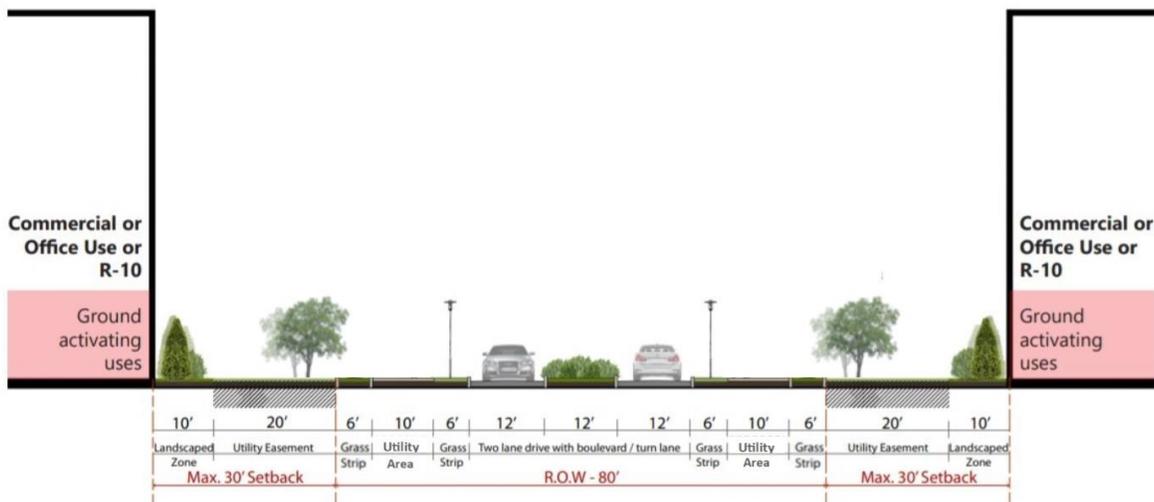
- A.) **Professional, Research, Office and Commercial Uses and Mixed Use Buildings:**
 - 1.) **Minimum Tract Size per application:** five (5) acres.
 - 2.) **Minimum Lot Width:** Shall equal at least one-half (1/2) the lot depth.
 - 3.) **Right-of-Way Setbacks:** This overlay establishes **maximum** building setbacks from the right-of-way in an effort to create a sense of place, strengthen the image of the area and enhance the overall streetscape. The maximum building setback requirements from established or proposed public rights-of-way shall be determined by the street classification for said right-of-way as designated by the Delaware County Thoroughfare Plan. Unless otherwise noted, parking, loading spaces, and services docks are prohibited within the Right-of-Way setback. The setback may include any required utility easements and any required landscape zone.
 - a) **Commercial/Office Uses:** The following **maximum** building setbacks shall apply to all commercial and office uses in the BCO. These setbacks also apply in such cases where mixed-use buildings are permitted.
 - i. **US 36/SR 37:** maximum 60 feet
 - A 10-foot right-of-way landscape zone that complies with the requirements of Section 15.05(C)(4)(g) shall be provided within this setback.
 - One twenty-four (24) foot wide drive aisle is permitted within this setback, provided it is located between the building and required right-of-way landscape zone.
 - Example Cross Section:



- ii. **Collector and Local Roads:** Maximum 30 feet
 - A 10-foot building landscape zone that complies with the requirements in Section 15.05 (C)(4)(g) of these Design Standards shall be provided within this setback.
 - Example Cross Sections:



Mixed Use Buildings adjacent to a collector or local road:



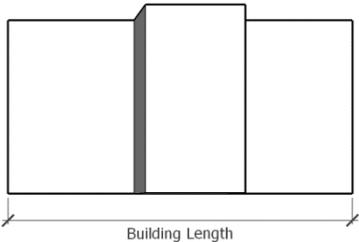
4.) **Minimum Side and Rear Yards:**

- a.) The minimum side and rear yard setbacks shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case, per Section 15.05(C)(8), shall a building or parking be constructed within two hundred and fifty feet of a lot line of an existing parcel utilized for residential purposes at the time of adoption of this overlay and as identified and defined by the list in Appendix A of this Resolution.

5.) **Building Height Limits:** The maximum building height shall be as follows:

- a.) Any building or structure constructed within the R-10, PRO/R-10/MU or PROC/R-10/MU and adjacent to an existing parcel used for residential purposes at the time of the adoption of this Resolution as defined in Section 15.05(C)(8) shall be subject to the following height requirements. All distances shall be measured from the property line adjacent to the parcel with the existing residential use:
 - i. Within two-hundred and fifty (250) feet – no buildings permitted per 15.05(C)(8).
 - ii. More than two-hundred and fifty (250) feet but less than three hundred and fifty (350) feet – maximum building height shall be twenty-five (25) feet and no more than one story.
 - iii. Between three hundred and fifty (350) feet and four hundred and fifty (450) feet – maximum building height shall be thirty-five (35) feet and no more than two stories.

- b.) All other buildings within the PRO/R-10/MU; PROC/R-10/MU, and C/R-10/MU subareas shall not exceed forty-five (45) feet in height, except however, the height of these buildings may extend up to 47 feet for a maximum of 10 percent of the building length to allow for architectural variations, features, and designs. In no such case shall a building exceed three stories. The building length shall be measured from the furthest edges of each elevation regardless of varying recesses and projections (see example). If a development plan is phased, each building within each phase must still meet the requirement of having no more than ten percent (10%) of its building length at a maximum height of forty-seven (47) feet. The remaining ninety percent (90%) of each building’s length shall have a maximum height of forty-five (45) feet. The phasing plan required in Section 15.06(C)(13) must clearly reflect the timing of construction to ensure these percentages are met.



- c.) The height of a building shall be measured from the front door threshold to the highest point on the roof.

6.) **Rooftop Mechanical Units:** Rooftop mechanical units, antennas and other similar apparatuses, are permitted provided they:

- a.) Do not exceed eight (8) feet in height; and
- b.) Are clustered in the center of the roof in an area that does not exceed twenty five percent of the total rooftop area.
 - i. Upon the recommendation of the Zoning Commission, the Board of Township

Trustees may approve a height and location of the mechanical units that differs from the requirements of 15.05(A)(6)(a) and (b), if it is determined that these requirements cannot be met due to engineering and/or fire department purposes. In no such case, shall the sum of the building height and mechanical unit height exceed fifty-three (53) feet. All mechanical units shall comply with the height and location requirements approved by the Board of Trustees and as shown on the approved development plan.

- c.) Said mechanical units shall be screened on all sides by a wall, parapet or other similar architectural feature that does not extend more than ten (10) feet above the building height. Such screening shall be limited to the permitted area for said mechanical units, antennas or other similar apparatuses and shall not extend the entire length and/or width of the building.

7.) **Building Size Limits:** Uses permitted as defined in Section 15.03 A.) shall contain no more than 65,000 square feet under one roof for any individual use.

8.) **Exception to Retail and Office Building Size Limits:** Retail and office uses permitted within the BCO and not listed above with an individual commercial or office use that exceeds 65,000 square feet under one roof for any individual use may be approved at the discretion of the township provided they have direct access to or access to an existing or proposed commercial frontage road located parallel to and within 500 feet of U.S 36/SR 37. Large commercial buildings shall not be separated from the road with excessive parking and pavement. Unless a divergence is requested and granted, no parking or pavement area shall be more than 275' in depth.

B.) Residential uses

1.) **Minimum Tract Size:** 10 acres

2.) **Density:** Maximum density is allowed by specific Subarea noted on the Overlay map established in Section 15.02.

- a.) The density of areas labeled "R-10" may be developed at a maximum of ten (10) dwelling units per net developable acre, as defined by Article 4 of the Berlin Township Zoning Resolution.

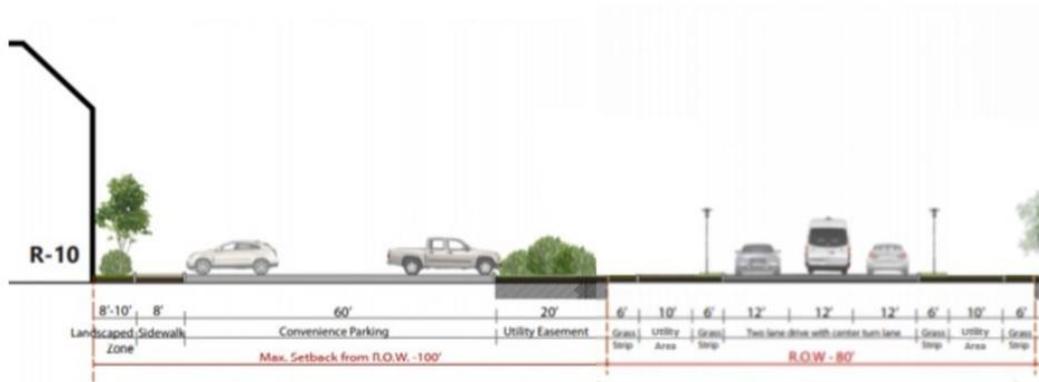
- b.) The density of areas labeled "R-4" may be developed at a maximum of four (4) dwelling units per net developable acre, as defined by Article 4 of the Berlin Township Zoning Resolution.

3.) **Arrangement of Structures:**

- a.) **Right-of-Way Setbacks.** This overlay establishes **maximum** building setbacks from the right-of-way in effort to create a sense of place, strengthen the image of the area and enhance the overall streetscape. The maximum building setback requirements from established or proposed public rights-of-way shall be determined by the street classification for said right-of-way as designated by the Delaware County Thoroughfare Plan. Unless otherwise noted, parking, loading spaces, and services docks are prohibited within the Right-of-Way setback. The setback may include any required utility easements and any required landscape zone.

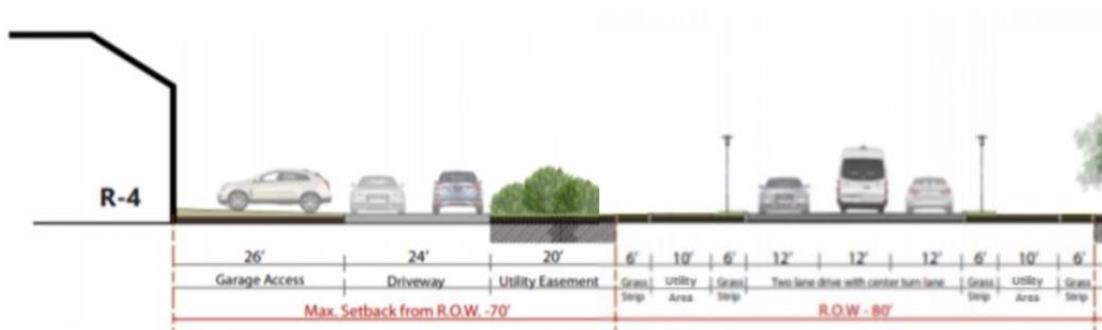
- i. **R-10 Uses – All Roads:** 100 feet

- A drive aisle with one row of parking on each side (for a total 60 foot width of pavement) may be permitted within this setback to provide convenience parking to the proposed use(s). If such parking is provided, an eight (8) foot sidewalk must be constructed parallel to the building and connected to said parking area. An eight (8) foot building landscape zone, which complies with the requirements in Section 15.05(C)(4)(h) must be located between the required sidewalk and the building.
- A right-of-way landscape zone that complies with the requirements in Section 15.05 (C)(4)(g) of these Design Regulations shall be provided.
- Example Cross Section:



ii. **R-4 Uses - All Roads:** 70 feet

- Private access roads parallel to the public right-of-way and any connecting private driveways may be permitted within this setback.
- Low shrubbery landscaping is encouraged between any private, parallel access road and the public right-of-way.
- Example Cross Section:



- b.) **Minimum Side and Rear Setbacks:** Shall equal one-third (1/3) the sum of the height and depth of the structure., but in no case, per Section 15.05(C)(8), shall a building or parking be constructed within two hundred and fifty feet of a lot line of an existing parcel that is used for residential purposes at the time of the adoption of this overlay.

- c.) **Building Height Limits:** The following height limits shall apply as follows:
 - i. R-10 Subareas: Unless other limited by section 15.05 (A)(5)(a), no buildings within the R-10 subareas shall exceed forty-five (45) feet, or three stories, in height.

 - ii. R-4 Subareas: No buildings developed for residential uses within sub-areas labeled R-4 shall exceed twenty- five (25) feet, or one story, in height.

 - iii. For purposes of this section, height is measured from the threshold plate at the front door to the highest point of the roof.

- d.) **Rooftop Mechanical Units:** Rooftop mechanical units, antennas and other similar apparatuses, are permitted for the R-10 Uses provided they:
 - i.) Do not exceed eight (8) feet in height; and
 - ii.) Are clustered in the center of the roof in an area that does not exceed twenty five percent of the total rooftop area.

Upon the recommendation of the Zoning Commission, the Board of Township Trustees may approve a height and location of the mechanical units that differs from the requirements of 15.05(B)(3)(d)(i) and (ii), if it is determined that these requirements cannot be met due to engineering and/or fire department purposes. In no such case, shall the sum of the building height and mechanical unit height exceed fifty-three (53) feet. All mechanical units shall comply with the height and location requirements approved by Board of Trustees and as shown on the approved development plan.

- iii.) Said mechanical units shall be screened on all sides by a wall, parapet or other similar architectural feature that does not extend more than ten (10) feet above the building height. Such screening shall be limited to the permitted area for said mechanical units, antennas or other similar apparatuses and shall not extend the entire length and/or width of the building.

- 4.) **Living Area Dimensions:** All structures constructed within this district shall contain the following minimum living area:
 - a.) One (1) bedroom unit: 800 square feet

 - b.) Two (2) bedroom unit: 900 square feet

 - c.) Three or more bedroom units: 1000 square feet

C. **General Design Standards:** The purpose of the design standards is to create a unified development and design approach to the Berlin Commercial Overlay area. Due to the unique nature of the overlay, these

standards, unless otherwise noted will supersede any general design standards including but not limited to lighting, landscaping, and sign standards found within the Berlin Zoning Resolution. The following standards shall apply to all uses and developments within the BCO.

1.) **Architectural Requirements.** Unless otherwise noted, the following requirements apply to all uses:

- a. **Site Design:** The bulk, height, and surface materials of buildings within the proposed development shall be compatible with the surrounding area. Buildings, structures, and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic, or cultural features and minimize environmental impacts.
 - i. An elevation of a building that fronts on US 36/SR 37 shall be designed to appear as the front façade of the building.
 - ii. Any building located in the C/R-10/MU area south of US 36/SR 37 and immediately adjacent to the existing Ravines at Alum Creek subdivision shall have any and all elevations facing said subdivision designed to appear as the front façade of the building. No trash receptacles shall be placed between said elevation and an abutting lot line with the Ravines at Alum Creek subdivision. Furthermore, no decks, patios, balconies of said buildings shall face toward a parcel within said subdivision.
- b. **Building Design:** The intent of the Building Design Requirements is to create an Artisan Design theme that is unique to the Berlin Business Park by focusing on materials and colors that transcends design fads while simultaneously allowing a unique design approach for individual projects through the review and guidance from the Architectural Review Board. Buildings and structures shall be designed to enhance both areas within and surrounding the development, giving due regard to building footprints, building orientation, massing, roof shape, pitch, and exterior materials. The following material and design element requirements have been established to achieve the Artisan Design theme.
 - i. **Building Materials and Design Elements:** Buildings for all uses shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing principal structure. Additionally, the following standards shall apply to the specific uses:

1. **Commercial, Office, and Mixed-Use Buildings:**

- a) **Building Materials:** All exterior elevations shall be comprised of eighty (80) percent of wood, fiber cement, and native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited. Brick or other natural materials may be utilized as an accent material provided it does not exceed twenty (20) percent of the gross exterior building wall square footage. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters and shutters. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to review and recommendation of the Architectural Review Board with final approval of the Board of Trustees.



Example Cupola – media.myworshiptimes22.com



Example Covered Porch – ruralbuilding.com/au



Example Portico/Covered Entry with Wood Columns - Kennedytimber.com/au



Example Wood Column - Kennedytimber.com/au



Example Trellis with Plants – decorfortheoutdoors.com



Example Balcony – dowmet.com



Example landscape feature – landscapingnetwork.com



Example patio – thejunkmap.com/au

- b) **Building Colors:** Building colors shall consist of earth tones limited to browns, tans, and grays. Leaf greens, gray sky blues, and whites may be utilized as an accent and shall not be the predominant building color.
- c) **Design Elements:** Blank walls shall not be permitted. Where expanses of solid walls are necessary, they may not exceed twenty (20) feet in length. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation facing a public right-of-way and a minimum of two (2) design elements for every one hundred (100) feet of each side and rear elevation that does not front on a public right-of-way. Design elements shall be consistent with Artisan Design theme and shall include:
 - Wood columns of sufficient width as determined by the ARB.
 - A door at least twenty-eight (28) square feet in area with portico/covered entry
 - A window of at least six (6) square feet in area. Windows closer than ten (10) square feet shall be considered one (1) element.
 - A cupola
 - Masonry water table
 - Trellis containing plants
 - Patio, deck or other similar features
 - Balconies that project no more than two feet into the minimum setback and have a minimum clearance of ten (10) feet from grade.
 - Works of art, fountains and pools, street furniture, landscaping and garden areas that are properly integrated into the streetscape and other similar significant permanent architectural features consistent with the Artisan Design theme may be permitted, subject to a recommendation by the Architectural Review Board and approved by the Board of Township Trustees.

Side and rear elevations of an in-line retail development may be exempt from these design elements standards, if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and screened by the landscaping, mounding, fencing, or combination thereof, as deemed appropriate by the Architectural Review Board and approved by the Board of Township Trustees.
- d) **Roofing:** For any buildings with a sloped roof, the roof shall have a minimum of 6:12 pitch. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate or simulated slate. Upon the recommendation of the Zoning Commission, the Board of Township Trustees may approve flat roofs when it is determined said roofs will blend with the overall architectural style.
- e) **Drive Thrus:** For commercial buildings only (not applicable to mixed use buildings): A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning and support posts shall match the material and color scheme within this Artisan Design theme. Drive thru features shall not have any

pickup window, ordering areas, signage or other related items located on the front elevation of a building or located between the building and a street right-of-way.

2. R-4 and R-10 Uses



Example R-10 Design – aberfence.com/au



Example – R-4 Design – Houseplans.pro

a) **Building Materials:** The exterior cladding material for all R-4 and R-10 uses shall be wood, EIFS, and native or cultured stone to keep consistent with the Artisan Design theme of the Berlin Business Park. Brick may be utilized as an accent but not as a predominant material. Vinyl and aluminum shall be prohibited except for downspouts, soffits, gutters, shutters. Exposed foundation material shall be stone, stamped concrete, or a textured concrete block compatible with the structure. Exposed chimneys shall have a brick or stone appearance and shall extend from the ground elevation to elevation above the roof line of the location of the chimney.

b) **Design Elements:** Each elevation of a Multi-Family Building (i.e. R-10 use) must include design elements per Section 15.05(C)(1)(i)(b)(1)(c) For all townhome or common wall units (i.e. R-4 uses), there shall be a minimum of three (3) design elements for every forty (40) feet of elevation width for an elevation facing a public right-of-way. Each side or rear elevation that does not front on a public right-of-way must contain at least two (2) design elements. Typical design elements are listed below, but this is not an all- inclusive list:

- A door of at least seventeen (17) square feet in area
 - A window of at least six (6) square feet in area. Windows with a horizontal separation of less than ten (10) feet shall be considered as one (1) design element. Sets of adjacent windows shall be considered as one (1) design element.
 - A chimney
 - A Portico
 - Dormer
 - A gable vent of at least four (4) square feet in area
 - Porches, decks or similar structures
 - Balconies (may project up to two (2) feet into the minimum setback and must have a minimum clearance of ten (10) feet from grade.
 - A similar significant permanent architectural feature consistent with the style of the building may be permitted, subject to a recommendation by the Architectural Review Board and approved by the Board of Township Trustees.
- c) **Garages:** Rear garages are encouraged. If front garages are provided, they shall not comprise more than thirty percent (30%) of the front elevation of the building, measured from the ground level to the lower edge of the roof. All front facing garages must not extend beyond the front plane of the building. For the purposes of this section, the front plane shall include a covered porch and a garage may be flush with the covered porch. All other off-street parking, including other garages or unenclosed parking spaces must be located behind the building’s front façade.

2) **Ground Coverage:**

No more than seventy five percent (75%) of the total tract coverage of a development, exclusive of the public street rights-of-way, shall be covered by impervious surfaces. Land underneath the overhead high voltage electric transmission lines may be utilized as open space, landscaping, parking, and roads with permission from the electric company.

3) **Open Space:**

a. **For All Uses:** Not less than twenty-five percent (25%) of the total tract acreage must be set aside as useable common open space. Open spaces may be used for retention, detention, and disposal of storm water drainage. Features which are likely to cause erosion or flooding shall not be permitted. A minimum of twenty-five percent (25%) of the total tract acreage shall be devoted to open space, which shall be broken down as follows:

i. **Central Green Space:**

1. A minimum of fifteen (15) percent of the total tract acreage shall be devoted to a Central Green Space that shall serve as usable green space and shall not include detention, retention or other stormwater purposes. Decorative and usable ponds are permitted and encouraged within the Central Green Space. The Central Green Space shall be easily and conveniently accessible by a paved walkway or bikeway from all dwelling units within the tract.
2. When streets abut the Central Green Space, the front façade of the buildings on the opposite side of the street shall face the Central Green Space rather than the rear building elevations, stormwater basins or parking lots.

ii. **Other Open Spaces:** The remaining ten percent (10%) of required open space may be distributed throughout the tract and may be utilized for retention, detention or other stormwater purposes.

iii. **All Open Spaces.** Open spaces for all uses shall be permanently deed restricted and platted as open space parcel to prevent future subdivision and development.

Example of Central Green Space:



4) **Landscaping**

- a. Landscaping Material: All landscaping required by the Overlay Design Standards shall meet the following requirements:
 - i. Minimum tree sizes at the time of planting: Tree Type Minimum Size at the time of planting.

Deciduous Trees	2 inch caliper
Coniferous Trees	5 feet in height
Shrubs (Medium)	3 feet in height

Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation.
 - ii. Trees listed on the Berlin Township Prohibited Tree List shall not be utilized.
 - iii. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
 - iv. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
 - v. Existing landscape material be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards as recommended by the Architectural Review Board and approved by the Board of Township Trustees.
- b. Vehicular Overhang: Parked vehicles may hang over any required landscaping area no more than two and one-half (2-1/2) feet as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscape area.
- c. Landscaping at Driveway and Street Intersections: To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections.
 - i. Driveway Intersection Triangle: At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten (10) feet along the driveway to a point and a

distance of twenty (20) feet along the street curb to a point connecting these points.

- ii. Street Intersection Sight Triangle: At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
- d. Street Trees. Deciduous street trees shall be provided outside of and immediately adjacent to all public rights-of-way and shall be spaced at a maximum of thirty (30) feet on center.
- e. Screening Between Uses: A fifteen (15) foot buffer with a continuous planting hedge and tree combination to provide screening between non-residential and an abutting residential use shall be installed. The required planting hedge and tree combination shall be a minimum of three (3) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening.

For purposes of this section, Mixed Use Buildings are considered non-residential uses. Uses separated by a public right-of-way shall not be considered abutting.

- f. Perimeter Area Buffer: When a perimeter area buffer is required per Section 15.05(C)(8) below, it shall be landscaped with five (5) deciduous trees, 5 coniferous trees, and twenty-five (25) medium shrubs per one hundred (100) lineal feet.
- g. Right-of-Way Landscape Zone: Whenever a right-of-way landscape zone is required, it shall be a minimum of 10 feet wide and contain 3 deciduous trees and 5 medium shrubs every 100 linear feet of right-of-way frontage.
- h. Building Landscape Zone: Whenever a building landscape zone is required, it shall be a minimum of eight (8) feet in width located immediately adjacent to the building and shall contain one medium shrub planted every five (5) linear feet.
- i. Screening of Vehicular Use Areas: All Vehicular Use Areas (VUA) regardless of size shall be screened with a three (3) foot average height continuous planting, hedge, fence, wall or earth mound located within a minimum four (4) foot wide area around the VUA.



- j. Vehicular Use Area Island Landscaping: Landscaped islands shall be provided in accordance with Section 15.05(C)(7)(c).
- k. Landscaping for Service Structures: Any service structure, or accessory use structure, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

- i. Location of Screening: A continuous (having ninety percent (90%) opacity year-round) planting, hedge, fence, wall of earth, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height, sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
- ii. Curbs to Protect Screening Material: Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

i. Tree Preservation

- i. All trees having a trunk diameter of six (6) inches or greater as measured twenty-four (24) inches from ground level shall be preserved unless such trees are exempted as follows:
 - 1. Trees within utility easements or a temporary construction easement approved by the County Engineer.
 - 2. Trees within the ground coverage of proposed structures or within twelve (12) feet of the perimeter of such structure.
 - 3. Trees that in the judgment of the township authority are damaged, disease, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location. It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.
- ii. Preservation of Wooded Areas: It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

5) Access and Connectivity

- a. Access: All lots shall have direct access to a public road or to a proposed access road that runs parallel to a public road. Access to US36/SR 37 shall be limited to those locations approved by ODOT. All other access points shall be approved by

the applicable permitting authority. Driveways shall also comply with Section 24.09 of the Berlin Zoning Resolution.

- b. Vehicular Connectivity (Access Roads and/or Parking Lot Connections): The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads and/or through the use of cross access easements between parking lots. This requirement has been established to reduce traffic movements on mainline roads to improve the public health and safety of those utilizing the public rights-of-way. The township may rely upon recommendations from the Delaware County Engineer or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each particular development.
- c. If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of 200 feet between intersections. A greater distance may be required upon recommendation by the Delaware County Engineer or a consulting engineer to avoid safety concerns.

6) **Pavement Standards**

All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement with heavy truck use, as determined by the Board of Township Trustees, shall have a minimum pavement depth that includes eight (8) inches of aggregate base with two (inches) of pavement. For all other uses, parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.

- 7) **Parking**: Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.

- a) Vehicular Use Area Location: All Vehicular Use Areas shall be located behind or to the side of the principal building and shall not encroach into the minimum Right-of-Way Setback requirements, except as otherwise noted in Section 15.05(A) and (B). Driveways running perpendicular to a public or private street, which are used to connect the parking lot to the public or private street, are exempt from this requirement.

Vehicular Use Areas may encroach into a required internal side or rear setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Board of Township Trustees, upon recommendation of the Architectural Review Board determines that parking lots need to straddle internal lot lines in order to comply with the connectivity requirements of Section 15.05 (C)(5) of these Design Standards. In such cases, appropriate cross access

easements must be established.

- b. Vehicular Use Area Size: No VUA shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row for all uses, except industrial. For industrial uses, no parking bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row.
- c. Vehicular Use Area Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet. Each landscape island shall have a minimum of one shade tree with a minimum of 2" in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be planted with grass. The use of mulch shall be prohibited within the landscaped islands.
- d. Vehicular Use Area Screening: All VUA shall be screened in accordance with Section 15.05 (C)(4)(8).
- e. Number of Parking Spaces: Every Development Plan within the BCO shall include a detailed Parking and Loading Space Plan, which shall comply with these Design Standards. Due to the unique nature of the US36/SR 37 Corridor, parking requirements for all development within the BCO are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The Total Number of Required Parking Spaces shall be calculated for each separate use within the proposed Development Plan. In no case shall the total number of parking spaces for a particular use be less than the Minimum nor more than the Maximum Number of Required Parking Spaces for said use based upon the below chart. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.



Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
Residential	1 space per dwelling unit	3 spaces per dwelling unit
Hotels/Motels	1 space per room	2 spaces per room
All Other Uses	1 space per 600 gross square feet	1 space per 365 gross square feet

*utilize gross square footage whenever there is a reference to square feet

- f. Handicap accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act requirements.
- g. All parking spaces shall be a minimum of 9 feet in width and 20 feet in length measured rectangularly and shall be served by aiseways of a minimum of 24 feet in width to permit easy and smooth access to all spaces.
- h. All VUAs and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped.
- i. Mixed Use Development Parking: When a mix of uses creates staggered peak periods of parking (see Table 2), the total parking requirements for the uses in a Development Plan may be reduced up to fifteen (15) percent below the Total Minimum Parking Requirements for all uses, provided a shared Parking Plan is approved by the Board of Trustees during Development Plan approval. The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses at different days and times generally based upon Table 2. Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by the Board of Trustees during Development Plan approval. Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the Board of Trustees may require documentation of shared access agreements to be provided.

Table 2

<u>Weekday Peaks</u>	<u>Evening Peaks</u>	<u>Weekend Peaks</u>
Banks	Bars	Retails Uses
Professional Offices	Ice Cream Shops	Movie Theaters
Medical Offices	Restaurants	
Library	Movie Theaters	
Daycare		
Coffee Shops		

- j. Loading Spaces:
 - i. All loading spaces must be located to the side or rear of the principal structure and are prohibited within any Right-of-Way Setback. Furthermore, buildings must be designed so that loading spaces are oriented away from areas designated for single family uses. In all cases, loading spaces must be screened in accordance with Section 15.05(C)(4).
 - ii. A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
 - iii. All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
 - iv. A required loading space shall have a clearance height of not less than 15 feet and shall have minimum dimensions of not less than 12 feet in width

and 50 feet in length, exclusive of any driveway, aisle, or other circulation area.

- v. The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:

- 1. **Commercial – Office subarea:** Each use in this subarea shall provide loading spaces based on gross floor area as follows:

Less than 250,000 square feet = one space

Over 250,000 square feet = one space for each 250,000 square feet or portion thereof.

8) **Perimeter Area:**

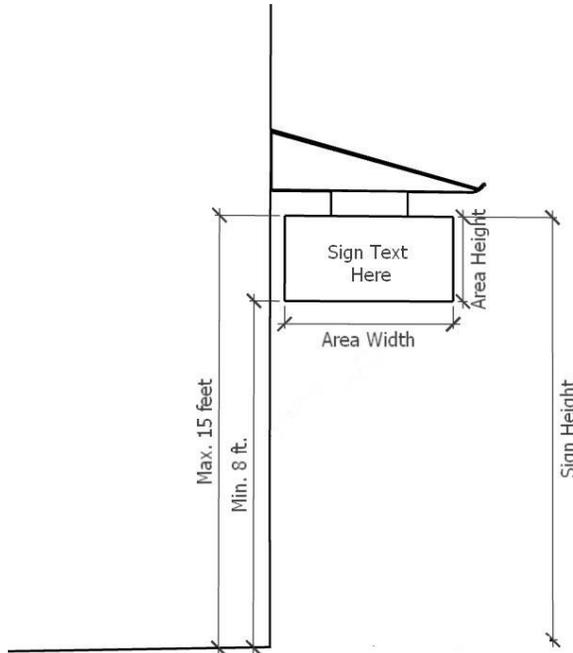
- a. No buildings or parking shall be constructed within two hundred and fifty feet (250') of the lot line of an existing parcel utilized for residential purposes at the time of adoption of this overlay and as identified and defined by the list in Appendix A of this Resolution. This buffer shall include a minimum eight (8) foot tall mound running parallel to the lot line abutting the existing residential use and shall be landscaped in accordance with Section 15.05(C)(4)(f). The slope of each side of the mound shall be a maximum of 3:1, and the mound shall have a minimum ten (10) foot wide crest. Existing trees, streams, and other significant natural resources shall be preserved and taken into consideration when determining mound placement. The center of the mound crest should generally be within fifty (50) feet from the lot line abutting the existing residential use with the final mound location being determined and controlled by the development plan approved by the Board of Township Trustees, upon review and recommendations by the ARB and Zoning Commission.
- b. Any new parcel, created after the adoption of this overlay from a parcel subject to the mounding requirements in Section 15.05(C)(8)(a) at the time of adoption of this overlay, shall be required to construct a mound that complies with the requirements of 15.05(C)(8)(a). Said mound shall run parallel to the existing parcel utilized for residential purposes as defined herein. Upon the recommendation of the Zoning Commission, the Township Trustees may waive or modify this mound requirement for newly created parcels, if it is determined that the intent of the mound requirements in Section 15.05(C)(8)(a) have been met.

9) **Signs:** Signs shall be permitted and developed in accordance with Article 25 of the Berlin Township Zoning Resolution. Except, however, in addition to any signs permitted in Article 25, Mixed Use Buildings permitted in the BIO may also have projecting signs provided said signs comply with the following requirements:

- i. **For Mixed Use Buildings Only:** One (1) Projecting (“blade”) Sign per non-residential tenant may protrude perpendicularly from a building façade over the front walkway of a building. Such Sign shall not exceed six (6) square feet in sign area per

sign face and shall have a maximum Sign Height of 15 feet. The lowest portion of the sign shall be a minimum of eight (8) above grade level to ensure the safety of pedestrians. Such Signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached.

Example:



10) **Lighting.**

- a. All Exterior Lighting shall comply with these standards unless specifically exempted.
- b. Exemptions:
 - i. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
 - ii. Federal holiday lighting shall be exempt from the requirements of this section.
 - iii. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
 - iv. Street lights shall be exempt from the provisions of this section.
- c. Prohibited Lighting:
 - i. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- d. Types of Fixtures: All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
- e. Fixture Height:

- i. The fixture height in parking lots for R-4 and R-10 uses shall not exceed twelve (12) feet in height.
- ii. The fixture height for in parking lots for all other uses shall not exceed twenty (20) feet.
- iii. In no case shall the Fixture Height exceed the height of the proposed building.
- iv. Lighting located under canopies shall be flush mounted or recessed within the canopy.
- v. Fixture Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.
- f. Lumens: The light bulb utilized in R-4 or R-10 areas shall not produce more than 1,600 lumens. The light bulb utilized for all other uses shall not produce more than 3,000 lumens. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
 - i. The maximum illumination at a Lot Line that abuts a lot zoned or used for R-4 or R-10 purposes shall be 0.3 foot-candles.
 - ii. The maximum illumination at a Lot Line that abuts any other use shall be 1.0 foot-candles.
 - iii. The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - iv. The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- g. All lighting shall be directed toward the ground and the interior of the parcel. Uplighting shall be prohibited.
- h. All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting and the use of as little lighting as necessary without creating safety issues is encouraged.

11) **Sidewalks and Multi-Use Paths**

- a. **Multi-Use Path (MUP) and Sidewalks:** All Arterial and Collector Roads in all subareas including residential shall have a 10-foot multi use path along one side of the road and a minimum five (5)-foot sidewalk on the other side of the road. All local roads shall have a minimum five (5)-foot sidewalk on both sides of the road. All sidewalks, curb ramps and crosswalks shall be installed per the then local, state and federal regulations, including but not limited to the Americans with Disabilities Act requirements. MUPs and sidewalks shall be placed outside of the right-of-way and within an easement designated for such public use. MUPs and sidewalks shall be privately maintained by the property owner. Street trees shall be planted in accordance with Section 15.05(C)(4)(d) of these design regulations.
- b. Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.

12) **Environmentally Sensitive Areas**

Jurisdictional wetlands, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible. No structures shall be constructed within the 100-year floodplain of any stream or river. To the maximum extent possible, all-natural drainage courses, vegetation and contours in excess of 6% shall be maintained.

13) **Utilities**

- a. All utility lines constructed to service the proposed uses shall be located underground.
- b. All developments shall be served by central water and sewer systems. Applicant shall indicate feasibility of water supply and wastewater disposal systems from the appropriate state and/or county agencies with jurisdiction at the time of the Development Plan review.
- c. Dry detention basins are prohibited in all subareas. All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when approved by Berlin Township. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable requirements of the Delaware County Engineer.

14) **Noise**

There shall be quiet hours between the hours of 10:00 p.m. and 6 a.m. every day of the week in accordance with all parameters of Resolution 17-05-02.

15) **Mailboxes**

When cluster mailbox units are required by the U.S.P.S., said units shall be located outside the public right-of-way and appropriately distributed throughout the development. An appropriate amount of off-street parking spaces shall be provided to ensure proper traffic circulation throughout the development. Final unit and parking locations and number of off-street parking spaces shall be determined and controlled by the development plan approved by the Board of Township Trustees, upon recommendations from the ARB and Zoning Commission. All cluster mailbox units and associated off-street parking areas shall be privately maintained.

- 16) **Supplemental Conditions and Safeguards** The Zoning Commission and Board of Trustees may require additional conditions be met 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.

SECTION 15.06: PROCESS FOR PLAN APPROVAL IN THE BERLIN COMMERCIAL OVERLAY (BCO)

- A.) **Pre-Application Meeting.** The Applicant shall engage in informal consultations with the Township Zoning Inspector and any other township staff as determined by the Board of Township Trustees at each year's organizational meeting. Such consultations may also include the Delaware County Regional Planning Commission, the Delaware County Engineer, ODOT, and other township departments prior to submission of an application for approval of a Development Plan. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's

Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at all meetings involving a quorum of members of the Zoning Commission or Board of Trustees. The application should provide a conceptual layout of the proposed development to allow discussion of the existing features of the site, environmental limitations of the site, and any utility and transportation- related issues.

At the conclusion of the pre-application meeting, the applicant may submit three copies of a “draft” application for the Zoning Inspector to review for completeness. Once the application is determined by the Zoning Inspector to be complete, then the applicant may move forward with a formal application per 15.06(B) below.

- B.) **Application and Development Plan:** Applicant shall prepare and submit a formal application including a Development Plan, with twenty (20) paper copies and one pdf digital copy along with the required fees, to the Zoning Inspector. Upon the submission of a completed application, the Zoning Inspector shall forward the application and Development Plan to the Architectural Review Board (ARB) who shall serve in an advisory capacity to the Zoning Commission and Board of Trustees. The application and development plan will be reviewed in accordance with the process identified in Section 15.06(D) below.

The Zoning Commission shall request the DCRPC and may request other entities as it deems necessary to review and provide comments regarding the proposed Development Plan.

The Development Plan shall include in text and map form the following:

- 1.) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- 2.) A finished grading plan drawn at a scale of 1"=100' or other scale acceptable to the Zoning Inspector, showing all information pertaining to surface drainage.
- 3.) An exhibit demonstrating environmentally-sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20%.
- 4.) A Development Plan drawn to a scale of at least 1"=100' or other scale acceptable to the Zoning Inspector demonstrating the details listed herein.

- C.) **Development Plan Contents:** The Development Plan shall include in text and map form the following proposed features:

- 1.) The general development character and all permitted uses, identified by NAICS code, and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail identifying the quantity and type and typical section of each.
- 2.) Architectural design criteria including materials, colors and elevations for all structures and criteria for proposed signs that comply with the architectural requirements of this resolution.
- 3.) Building heights and dimensions.
- 4.) Off-street parking.
- 5.) Landscape Plan identifying each plant, shrub, or tree by name, its size at planting, and rendering of how that area of the development would look in elevation.

- 6.) Signage plan, showing all proposed signage and dimensions.
- 7.) Exterior Lighting Plan to show how exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- 8.) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn. A copy of letters from the County Engineer and Sanitary Engineer stating general feasibility road geometries, surface drainage, and the provision of sewer shall be included.
- 9.) A Traffic Impact Analysis by a competent traffic engineer, based upon new trip generation as estimated by the Delaware County Engineer's standards and showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise. An internal traffic flow diagram showing the vehicle movements and circulations internal to the site (including any private roads) shall also be submitted.
- 10.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 11.) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- 12.) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.
- 13.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases. This schedule shall include a detailed list of all items to be constructed in each phase of the development, including but not limited to any amenities such as fountains, tot lots, etc. This information must also include a set of documents for establishing any proposed Homeowners' Association including the proposed time frames for turning said association over to the residents. The phasing plan must also include information to clearly indicate that the requirements of Section 15.05(A)(5)(b) are being met.
- 14.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- 15.) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- 16.) All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.
- 17.) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the BCO district.
- 18.) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - 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.
- c.) **Glare, Heat and Exterior Lighting:** 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 in objectionable quantities by wind or water to points off the lot.
- 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 discernible without instruments at or beyond the property line of the subject premises.
- 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 and all other applicable government agencies shall be met.

- 19. The proposed locations of any proposed cluster mailbox units, associated off-street parking spaces, and proposed methods for maintaining said units and parking spaces.
- 20. The Township Zoning Commission and Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed. This includes but is not limited to landscaping, development, improvement, and maintenance of common open space as well as any other pertinent development characteristics.

- D.) **ARB, Zoning Commission and Trustee Action.** After receipt of a completed Application and Development Plan from the Zoning Inspector the ARB shall schedule and hold a public hearing within the thirty (30) days and shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice at least ten (10) days before the date of the ARB hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action of the ARB. The ARB shall render a recommendation to the Zoning Commission at the conclusion of the ARB hearing and shall forward the recommendation to the Zoning Commission.

The Zoning Commission shall schedule and hold a public hearing within thirty (30) days of the conclusion of the ARB meeting and shall give the applicant and all owners of property within, contiguous to, and directly

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across the street from the area subject to the Application written notice of the hearing at least ten (10) days before the date of the Zoning Commission hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a recommendation to the Board of Trustees on the Application and Development Plan at the conclusion of the hearing and shall forward the recommendation to the Berlin Township Board of Trustees.

The Berlin Township Board of Trustees shall, upon receipt of such application and recommendation, set a time for a meeting to consider approval of the application and Development Plan, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission and shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the then County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Board of Trustees may take on the Application. The Board of Trustees shall render a decision on the Application and Development Plan at the conclusion of the hearing, unless the applicant requests a delay of action (tabling) for a specific period of time.

E.) **Basis of Approval.** In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:

- 1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- 2.) That the proposed development meets all applicable requirements of this Article and Zoning Resolution.
- 3.) That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.
- 4.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- 5.) That the proposed plan meets all of the design features required in this Resolution.
- 6.) That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.
- 7.) That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.
- 8.) That the proposed development is in the interest of public health, safety, welfare and morals of the township.

F.) **Effect of Approval.**

- 1.) The Trustee determination shall not be considered to be an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code, but may be appealed pursuant to Chapter 2506 of the Revised Code. If the Board of Trustees make a final determination that the Development Plan included in the Application complies with this Article, or if the Board of Trustees' final determination is one of noncompliance, then if a court of competent jurisdiction makes a final

non-appealable order finding compliance, the Board of Trustees shall approve the Application and upon approval shall cause the Zoning Map to be changed so that any other zoning district that applied to the property that is the subject of the Application no longer applies to that property. The removal of the prior zoning district from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

- 2.) **Approval Period:** The approval of the Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approve an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, the subject parcel(s) shall remain zoned Berlin Commercial Overlay (BCO), but no use shall be established or changed and no building, structure or improvement shall be constructed until a new Application accompanied by a new Development Plan have been filed with and approved by the Zoning Commission and Board of Trustees using the procedures and approval process for an initial Development Plan.
- 3.) **Plat Required.** The Development Plan as approved by the Board of Trustees shall be the subject of a subdivision plat to be approved by the Delaware County Regional Planning Commission if required by the Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved Development Plan. If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Zoning Resolution. The subdivision plan and plat shall be in accordance with the approved Development Plan.
- 3.) **Zoning Certificate:** No zoning certificate shall be issued for any structure in any portion of the Berlin Commercial Overlay (BCO) for which a plat is required by the Delaware County Regional Planning Commission unless the subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Delaware County Recorder in accordance with the approved Development Plan and with the Subdivision Regulations of Delaware County, Ohio.
- 5) **Changes in Approved Development Plan:** If any changes to the approved Development Plan are required and/or desired for any reason, said changes must be approved in accordance with Section 15.06(F)(7). These reasons include but are not limited to unforeseen site conditions, meeting the requirements of other review agencies, including but not limited to the Delaware County Regional Planning Commission, Delaware County Engineer's office, ODOT or other regulatory agency, and other similar reasons.
- 6) **Extension:** An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Board of Trustees upon Application of the owner(s), provided the Board of Trustees determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted and at the discretion of the Board of Trustees. A request for extension shall be filed prior to the expiration of the established approval period.

- 7.) **Modifications:** Upon submittal of a written application specifically detailing the changes requested to an Approved Development Plan and the justification(s) for the modification request, the Zoning Inspector shall refer the application to the Township Zoning Commission.

Within thirty (30) days of receiving an application, the Zoning Commission shall schedule and conduct a public meeting to consider whether the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the intent and purpose of the Berlin Commercial Overlay (BCO). The Zoning Commission shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice at least ten (10) days before the date of the Zoning Commission hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action of the Zoning Commission.

The Zoning Commission shall render a recommendation to the Board of Trustees for the approval, modification, or the denial of the application at the conclusion of its meeting.

Within thirty (30) days of receiving the Zoning Commission's recommendation, the Board of Trustees shall schedule and conduct a public meeting to consider the request, along with the recommendations of the Zoning Commission. The Board of Trustees shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area subject to the Application written notice at least ten (10) days before the date of the Board of Trustees hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action of the Board of Trustees. The Board of Trustees shall render a decision at the conclusion of its meeting.

- G.) **Fees.** A fee in an amount established by the Board of Trustees shall accompany an Application requesting approval of the Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Berlin Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall, in its sole discretion, designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the Application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses.

This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the Application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals. Upon request, the Township shall provide the Applicant with an itemized copy of any consultant(s) bill paid for in accordance with this Section. Notwithstanding the foregoing, bills for legal services shall only disclose

the costs incurred and narrative descriptions shall not be disclosed, in that these are privileged communications and protected from disclosure under attorney-client privilege.

- H.) **Failure to Maintain.** If the approved Development Plan is not adhered to, or the open space is not properly maintained, the Township Zoning Inspector may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance with the plan as a zoning violation which will be dealt with under Penalties for Violation within this Zoning Resolution.
- I.) **Administrative Review.** All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, Zoning Commission, and/or their designated technical advisors for an administrative review to ensure substantial compliance with the development plan as approved, prior to issuance of a zoning certificate. The Board of Trustees may establish a fee to be deposited with each administrative review in order to defray the costs associated with such a review.

SECTION 15.07 DEFINITIONS

Day: For purposes of this section, whenever the term “day(s)” is utilized it shall mean calendar days. If a time frame results in the last calendar day falling on a weekend or legally recognized holiday, then it shall be moved to the next business day.

Mixed Use Building: A building that is a minimum of two stories in height but no more than three stories in height, located within a subarea that includes a “MU” designation, and contains professional office, research, office and/or commercial uses on the ground floor and residential uses on the upper floors. The buildings may also include rooftop restaurants, gardens, or other common open spaces when specified within this resolution.

Vehicular Use Area (VUA): any open or unenclosed area containing more than one-thousand eight-hundred (1800) square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas.

Appendix A: List of Existing Parcels Utilized for Residential Purposes

The following list defines all parcels that are considered to be existing parcels utilized for residential purposes at the time of the adoption of this Overlay. For purposes of this section, the parcel identification number (PIN) shall control should there be discrepancy between the listed PIN and address.

- 41812001050000 210 BIG RUN RD
- 41812001044002 5003 STATE ROUTE 37 E
- 41812001047000 130 BIG RUN RD
- 41812001044001 5001 STATE ROUTE 37 E
- 41812001048000 158 BIG RUN RD
- 41812001049000 194 BIG RUN RD
- 41812001046001 60 BIG RUN RD
- 41811001018000 482 N THREE B'S & K RD
- 41811002004000 6788 LINDA LN
- 41811002005000 6756 LINDA LN
- 41811002007000 6688 LINDA LN
- 41811002008000 6650 LINDA LN
- 41811002009000 6624 LINDA LN
- 41811002011000 6629 LINDA LN
- 41811001019000 505 N THREE B'S & K RD

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41811002003000 6814 LINDA LN
41811002006000 6724 LINDA LN
41811002010000 6621 LINDA LN
41811001017000 N THREE B'S & K RD
41723001016000 S THREE B'S & K RD
41723001021000 495 S THREE B'S & K RD
41723001023000 S THREE B'S & K RD
41723001025000 615 S THREE B'S & K RD
41723001027000 S THREE B'S & K RD
41723001028000 S THREE B'S & K RD
41723001017000 259 S THREE B'S & K RD
41723001019000 399 S THREE B'S & K RD
41723001026000 S THREE B'S & K RD
41723001029000 751 S THREE B'S & K RD
41814009035000 643 CLIFF VIEW DR
41814009036000 657 CLIFF VIEW DR
41814009037000 675 CLIFF VIEW DR
41814009043000 815 CLIFF VIEW DR
41723001022000 515 S THREE B'S & K RD
41723001031000 S THREE B'S & K RD
41814013006000 CLIFF VIEW DR
41814009038000 693 CLIFF VIEW DR
41814009042000 793 CLIFF VIEW DR
41814009044000 837 CLIFF VIEW DR
41814001057000 788 S THREE B'S & K RD
41814009040000 749 CLIFF VIEW DR
41814009041000 769 CLIFF VIEW DR
41814015001000 RAVINE VIEW DR
41723001020000 461 S THREE B'S & K RD
41723001024000 591 S THREE B'S & K RD
41814009039000 719 CLIFF VIEW DR
41814009045000 859 CLIFF VIEW DR
41723001018000 371 S THREE B'S & K RD
41812001015000 385 N OLD STATE RD
41812001016000 425 N OLD STATE RD
41812001020000 485 N OLD STATE RD
41812001019000 455 N OLD STATE RD
41812001021000 501 N OLD STATE RD
41812001014000 355 N OLD STATE RD
41812001008000 350 N OLD STATE RD
41812001013000 321 N OLD STATE RD
41812001022000 567 N OLD STATE RD
41813001009000 DUNHAM RD
41813001010003 1023 DUNHAM RD
41813001011000 1081 DUNHAM RD
41813001013000 1135 DUNHAM RD
41813001015000 1201 DUNHAM RD
41813001003000 477 DUNHAM RD
41813001007000 DUNHAM RD
41813001012000 1111 DUNHAM RD
41813001016000 1237 DUNHAM RD
41813001018000 1261 DUNHAM RD

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- 41813001004000 555 DUNHAM RD
- 41813001010000 929 DUNHAM RD
- 41813001014000 1165 DUNHAM RD
- 41813001017000 1245 DUNHAM RD
- 41813001005000 DUNHAM RD
- 41813001006000 735 DUNHAM RD
- 41813001008000 883 DUNHAM RD
- 41813001010001 963 DUNHAM RD
- 41813001010002 971 DUNHAM RD
- 41813001019000 1277 DUNHAM RD

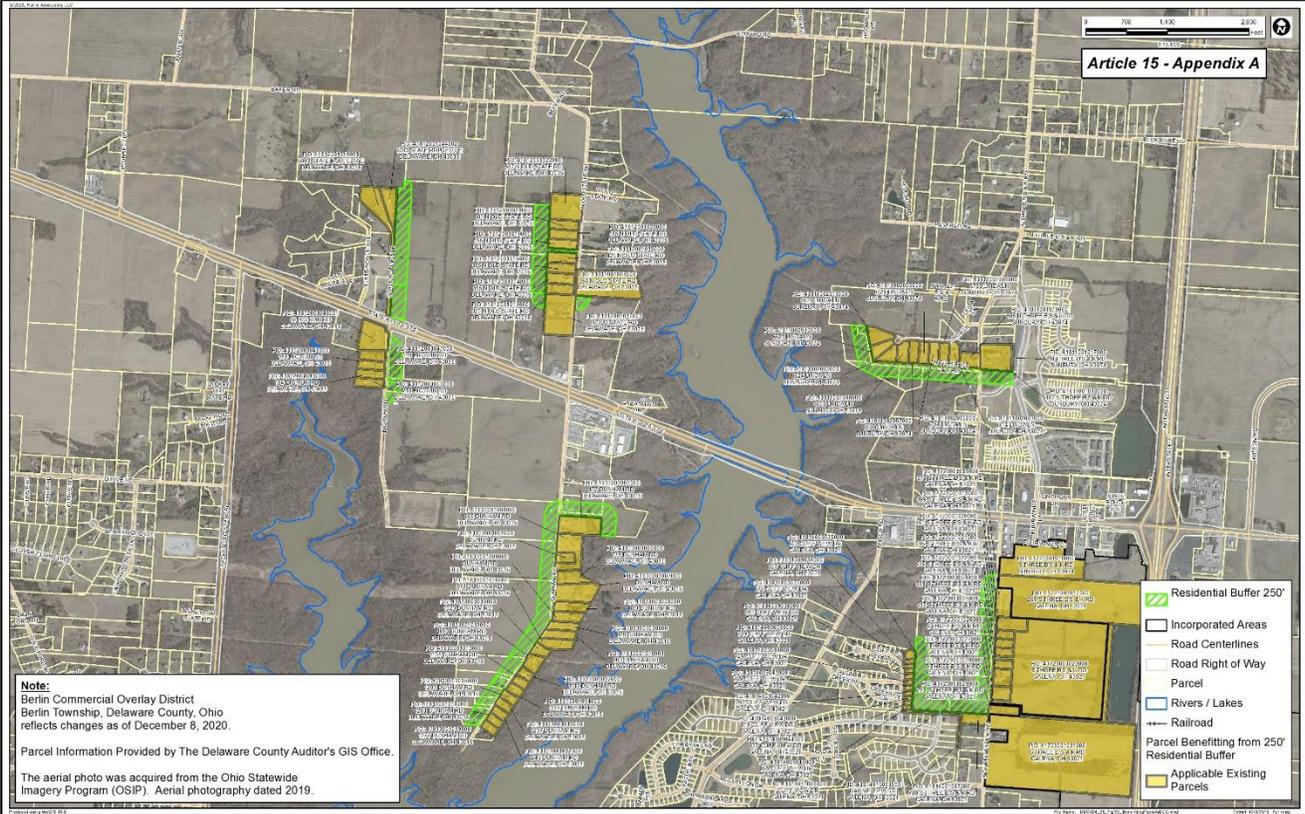


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