

AMENDED
WASHINGTON TOWNSHIP ZONING RESOLUTION

Effective September 14, 2012

Prepared for:

THE WASHINGTON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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PREFACE TO THE WASHINGTON TOWNSHIP ZONING RESOLUTION

This preface is provided to give a measure of guidance in the understanding, application and administration of the Zoning Resolution by setting forth the purpose and nature of zoning, the organization of the Zoning Resolution and the nature and intent of each of the several zoning districts.

PURPOSE OF ZONING

The purpose of this Zoning Resolution as is prescribed by Chapter 519, Ohio Revised Code, shall be to regulate buildings and land use for public purpose. Such public purpose is the promotion of the public health, safety and morals through the Township.

To promote such public purpose, these regulations are designed to encourage an appropriate use of land; to stabilize and preserve the value of property; to prevent congestion and hazard in the streets and roads; to secure safety from fire, flood, water contamination, air pollution and other dangers; to provide adequate light, air and open space; to prevent the overcrowding of land and to avoid undue concentrations of population.

To further promote such public purpose these regulations are further intended to be used to facilitate an appropriate and desirable comprehensive pattern of land uses upon which to plan and economically provide adequate roads and highways, stewardship of water quality and supply, sewer facilities, schools, parks, and other essential public facilities and services.

NATURE OF ZONING

This Zoning Resolution, as an exercise of the public power derived from Chapter 519, Ohio Revised Code, and the Washington Township Land Use Plan also promulgated thereunder, must bear a reasonable and substantial relationship to the public health, safety and morals (general welfare).

The characteristic feature of this Zoning Resolution that distinguishes it from most other police power regulations is that its regulations may differ from zoning district to zoning district, rather than being uniform throughout the Township. Despite such differences in various zoning districts, the regulations must be uniform for each class and kind of building within a zoning district.

The purposes of this Zoning Resolution are accomplished by the division of the unincorporated territory of the Township (formerly known as Precincts A and B) into zoning districts in which there are only certain specific uses of land allowed and the regulations pertaining to the development and use of the land and buildings are uniform for each class or kind of building or use in such zoning districts.

To the extent possible, the zoning districts as they are delineated on the Zoning District map shall be comprehensive by their inclusion of all land similar in nature or circumstance as is determined by the type and extent of existing land use and the desirability of conserving such use. The zoning districts and the fixing of their boundaries shall further be determined in accordance with the need for encouraging such use as is made appropriate by a change in the character of land use, or the growth and development of the Township, and to this extent, the zoning districts should be based on Land Use Plans as such plans may exist from time to time.

THE NATURE OF THE ZONING DISTRICTS

Each of the Zoning Districts includes all land so zoned or classified in the Township and differs from all others by reason of the uses that are permitted or by reason of the standards of development that are applicable in the Zoning Districts.

The nature and intent of application for each of the Zoning Districts is set forth in the following statements. The order of these statements is based on the similarity of uses and development standards rather than the organization of the text of the Zoning Resolution. The number preceding the name of the Zoning District is the section number of the Zoning District in the text of the Zoning Resolution.

THE RESIDENTIAL DISTRICTS

The Residential Zoning Districts are intended to define and protect residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities desirable for a residential environment. Attractiveness, order and efficiency are encouraged by allowing a density of development appropriate to the ability to provide water and sewer facilities while maintaining adequate space for light and air. In order to achieve a comprehensive and balanced overall residential area, it is intended that development at one density be in association with other residential development in a manner appropriate to the public's ability to provide and maintain adequate levels of essential services and facilities including schools, recreation, fire and police protection, and with consideration of the characteristics of the land and surrounding land use. Residential Zoning Districts are intended to allow a variety of dwelling units in a manner appropriate to development of areas with distinct density and physical qualities such as will encourage each area to achieve its full development with a healthful and safe environment and amenities for sustained livability.

The Standard Residential Zoning Districts

Section 302. (R-SR) The Suburban Residential District is provided in recognition of sections of the Township with very low density residential development and land which appears appropriate for such development. Among these sections is land along water courses leading to reservoirs where central water and sewer treatment systems are not available and intensive development will pollute the water; land of unusual or irregular topographical or subsurface characteristics where the problem of site development generally results in a certain amount of openness; and land where the established use character or density of development would be best protected by these regulations.

Section 306. (R-SRR) The Semi-Rural Residential District is provided in recognition of sections of the Township with low density residential development and land which appears appropriate for such development within the limits of these regulations. Among these sections is land appropriate for residential development but without central water and sewer systems readily available. Of importance in the consideration of placing land in this District is the ability of the soil to allow proper function of individual water and sewer systems; the character of the land and surrounding land use; and land where the established use character or density of development would be best protected by these regulations.

The Planned Residential Zoning District

The Planned Residential District is provided in recognition of conceptual and technological advances in housing design and construction, and the ability of the housing industry to provide desirable and stable residential areas through unified design and development principles. Such land as is to be included in the Planned Residential District is intended to be developed in recognition of the existing and

potential development character of the vicinity to assure adequate public utilities, streets, community facilities, and other closely associated land uses, including useable public open space.

Section 406. (PR-6) The Planned Residential District is intended to provide latitude in the arrangement and design of primarily two-family or town house dwelling structures based on a unified development plan conceived and carried out for a limited amount of land. Such limitation on the amount of land to be developed in this district should be based on such land's relationship to adjacent development in terms of the vicinity's overall density and total population even though a variety of dwelling type and arrangement may be allowed that is different from that on the adjacent land. Natural features such as topography and drainage ways should be used as well as internal arrangement so as to achieve a unified and integrated development to maximize desirability and stability of the whole residential area.

THE COMMERCIAL DISTRICTS

The Commercial Zoning Districts are intended to promote a convenient and efficient distribution of a broad range of retail goods and services, (1) to meet consumer demands, (2) to satisfy commercial land use space requirements, (3) to achieve a stable and compatible land use pattern, and (4) to encourage a visually satisfying urban environment.

The proper development of commercial areas is not only a right under this Zoning Resolution, but a responsibility to the entire Township. Because these commercial areas are subject to public use which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement and suitable relationship to adjacent areas.

The Standard Commercial Zoning Districts.

Section 322. (SO) Suburban Office District is provided in recognition of the need to locate office and institutional land uses in outlying suburban areas where adequate space can be made available in accordance with the contemporary development standards of these land uses.

The Suburban Office District is intended for offices and institutions that may locate independently or in small clusters and that desire buildings or groups of buildings surrounded by landscaped open areas away from the concentrations of people and traffic of retail, wholesale and industrial areas in the community. The space, location and aesthetic needs of these uses make a suburban location near residential neighborhoods or rural countryside desirable.

Section 325. (NC) The Neighborhood Commercial District is intended to encourage grouping of small individual retail establishments to promote convenience in serving the daily staple needs of the people in residential areas. These groups of establishments generally occupy land area in close proximity to the residential population served. In that the commercial establishments allowed in the Neighborhood Commercial District will be closely associated with residential, religious, recreational requirements for light, air and open space are necessitated and educational land uses at the neighborhood level, more restrictive than in other Commercial Zoning Districts.

Planned Commercial Districts

Section 427. (PCD) The Planned Commercial District is provided in recognition that many commercial establishments seek to develop within unified commercial areas usually under single ownership and control, and typically called "shopping centers." These centers have all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Because

these concentrations of retail and service establishments are generally stable and offer unified internal arrangement and development, potentially detrimental effects can be better controlled. For these reasons, the Planned Commercial District is allowed greater development latitude and usually will occur in close proximity to the residential areas served.

The Planned Commercial District is intended to provide areas having adequate development and expansion space, parking, service, utilities, and other facilities. Because the development of the Planned Commercial District takes place in accordance with an approved development plan, adequate separation from adjacent areas and other land use can be achieved. In general such development is a good neighbor to surrounding areas of other land use and a visual asset to the total community. Buildings within this District are to be architecturally attractive and the tract well landscaped. Parking and loading areas are to be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious, and inasmuch as the principal tenant and the size of the center have much to do with its physical character, relationship to the community, and economic success, these factors should be of concern in considering a Planned Commercial District application. Furthermore, it is intended that the Planned Commercial District and the area surrounding it be protected from the intrusion of unrelated or dissimilar land uses, except those clearly complimentary, supplementary, and physically compatible with the development of the center and the vicinity.

Section 430. (SCPD) The Select Commercial Planned District is intended to provide an innovative approach to commercial developments. In some cases, the standard commercial and industrial zoning districts do not provide sufficient flexibility to allow a beneficial mixture of related commercial, industrial and open space land uses. In addition, the standard commercial and industrial zoning districts do not, in all cases, permit a creative use of land and related physical development in areas where an orderly transition of land uses from residential to nonresidential activities is appropriate. An example would be undeveloped land in a primary residential area adjacent to an existing or planned major highway. Continued residential development may not be appropriate. However, nonresidential development of a specified type, character and mix may be suitable with proper controls.

The Select Commercial Planned District is intended to provide an applicant for a zoning map amendment and Washington Township with controls necessary to ensure compatibility and integration of the select commercial area with the surrounding environment. Performance criteria is included in the Select Commercial Planned District in order to promote the development of an overall design concept designed to be compatible with the surrounding environment. The requirements for an overall design plan and the selection of specific commercial uses to be applied to an individual application are intended to ensure that the plan can be evaluated on its merits for compatibility with existing conditions and the surrounding environment. This procedure is designed to protect the character of both substantially developed and developing areas as appropriate.

Section 435. (PHS) The Planned Highway Service District is provided in recognition of those land uses which serve the traveler. Such uses are commercial service types and typically seek locations adjacent to heavily traveled cross-country roadways near freeway interchanges. Because these uses have unique locational, space, and physical development requirements, and because they are subject to the public view, their development is a concern to the entire community. Care must be taken to provide them adequate space in appropriate locations while maintaining the integrity and development character they possess as well as that of other land use areas in their vicinity.

The Planned Highway Service District is intended to provide highway service areas having adequate development space, parking, services, utilities, and other facilities. Because the development of the Planned Highway Service District takes place in accordance with a development plan, adequate separation from adjacent areas of other land use can be achieved. Development within the Planned

Highway Service District can be a good neighbor, if care is taken to assure that the operational characteristics are so controlled as not to be in immediate and direct conflict with the function of adjacent land use areas of the street system.

THE INDUSTRIAL DISTRICTS

The Industrial Zoning Districts are intended to define and protect areas suitable to the development of a variety of industrial activities, and to set forth Development Standards for the mutual protection of industrial development and areas for other land use activity in the vicinity. Industry should be protected from the intrusion of other land uses, which neither perform a function appropriate to an industrial environment nor provide an essential service to the establishment or the employees of the industrial area.

The Industrial Zoning Districts are intended to encourage the appropriate development and maintenance of industrial areas. Important in determining the location and size of these industrial areas is the accessibility of the location to regional transportation facilities, especially highways, the availability of public utilities, and the adequacy of fire and police protection. The topography of the areas should be relatively level with no flood hazard. These industrial areas may be in close proximity to other land use areas, but wherever possible appropriate physical features should be used as boundaries.

The Standard Industrial Zoning Districts

Section 342. (RI) The Restricted Industrial District is provided in recognition of industrial uses which seek locations in suburban areas or in very close proximity to residential areas. These industrial uses generally require a minimum of services and facilities and generate little industrial traffic. They typically operate within an enclosed structure and have little or no adverse effect on adjacent land by producing noise, odor, dust, smoke, glare or hazard.

The Restricted Industrial District is intended to encourage areas of industrial use with architecturally attractive structures surrounded by landscaped yards. Such industrial development may be in close proximity to other land use areas, but is best accomplished at the periphery of such areas.

Section 344. (LI) The Limited Industrial District is provided in recognition of the location and space needs of a broad range of industrial activities diverse in products, operational techniques, and size, but possessing compatible development characteristics and seeking similar locations. These industrial uses should be encouraged to group in industrial areas where greater economies can be achieved by sharing necessary services and facilities and where individual plant efficiency can be improved by a larger, appropriately developed, and stable industrial environment.

Section 444. (PID) Planned Industrial District is provided in the recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Because these industrial areas are generally stable and offer unified internal arrangement and development, potentially detrimental effects can be better controlled. For these reasons, the Planned Industrial District is allowed a greater development latitude.

The Planned Industrial District is intended to provide industrial areas having adequate development and expansion space, parking, services, utilities, and other facilities. Because the development of a Planned Industrial District takes place in accordance with a predetermined development plan, adequate separation from areas of other land use and a visual asset to the total community can be achieved. Buildings within this district are to be architecturally attractive and well landscaped. Plan

parking, storage, loading and processing operations are to be screened. The relationship among individual establishments within the district is to be harmonious, each having adequate space for the operation performed and all sharing those facilities necessary to industrial operations.

THE SPECIAL DISTRICTS

Special Zoning Districts are intended to provide for the use or development of land under certain unique circumstances or developmental requirements that cannot be appropriately or adequately provided for in the provisions of the Standard or Planned Development Zoning Districts. These Special Districts are to be delineated in addition to the Standard Zoning Districts and the Planned Development Districts by superimposing the Special Districts based on the criteria established for their delineation.

Section 610. The Exceptional Use District is provided in recognition of certain specified uses which are of such a nature as to warrant individual consideration and regulation due to the unique demands they place upon the public health, safety and morals and the requirements of location and development that generally are peculiar to these uses.

The Exceptional Use District is intended to allow these uses to be suitably located and developed to appropriate and necessary standards of development in relation to other land use and development with a minimum of conflict and without undue demand on the necessary public services and facilities. To this end these uses are intended to be developed in a manner of appropriate architectural and landscape design with necessary space or other provisions regarding development or operation to overcome any obnoxious or hazardous effect on adjacent lands as such effect may be a potential in the proposed use.

Section 620. The Floodplain Overlay District is provided for areas impacted by the 100 year floodplain as measured by the National Flood Insurance Program under the Federal Emergency Management Agency.

Section 630. The Rural Character Overlay District is designed to preserve the Township's rural character through addition of specialized development standards for the nonagricultural development of residentially zoned land. Environmentally sensitive residential development is encouraged, as well as maintaining wildlife habitat.

Section 640. The Village Center Overlay District is designed to preserve the historic character of the Amlin area of the Township and to enhance the residential neighborhood surrounding its commercial core.

ARTICLE I GENERAL PROVISIONS

SECTION 100 AUTHORITY AND PURPOSE FOR ZONING RESOLUTION.

100.010 Authority. This Zoning Resolution adopted under authority granted to Ohio Townships by the Legislature of the State of Ohio in Chapter 519, Ohio Revised Code. This Zoning Resolution and all provisions contained herein shall be known as the Washington Township Zoning Resolution and may be cited as such or as the Zoning Resolution.

100.020 Purpose Of Zoning. The purpose of this Zoning Resolution is as prescribed by Section 519.02, Ohio Revised Code.

SECTION 105 SCOPE OF THE ZONING RESOLUTION.

105.010 Territorial Limits. The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of Washington Township.

SECTION 110 APPLICATION OF THE ZONING RESOLUTION.

110.010 Exempt From Regulation. The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except agriculture and public utilities, other than telecommunications antennas, towers, support structures or sites, or railroads as are now specifically exempt by law or as may be hereafter amended by law or as is exempted by paragraph 110.015.

110.011 Agriculture. Agriculture, including farming, ranching, algaculture meaning the farming of algae, aquaculture, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry shall not be prohibited. (Ohio Revised Code §519.01) The use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited and no Certificate of Zoning Compliance shall be required for any such building or structure. (Ohio Revised Code §519.21) Landscape services, nurseries (wholesale or retail), soil processing, mulching operations, and the stockpiling of plant material shall not be considered as farming activities or as agricultural, horticultural, or floricultural in nature. The following may be regulated as set forth in Ohio Revised Code §§519.02 and 519.21: farm markets and production of biodiesel, biomass energy, electric or heat energy and biologically derived methane gas.

110.012 Public Utilities. Public Utilities and Railroads. Public utilities, other than telecommunications antennas, towers, support structures or sites, or railroads, shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business.

110.0121 Any person or company intending to construct or to apply for the placement or operation of a telecommunications antenna, tower, support structure or site as defined in Section 554.010, within the boundaries of Washington Township shall first schedule a pre-application conference with the Zoning Inspector. At this conference, the prospective applicant must present to the Zoning Inspector any proposed locations for the equipment or site, the area within which the tower may be located, the minimum height of the proposed tower and identify any possible users that may co-locate at the site. In addition, if applicable, the prospective applicant shall present such documentation as may establish the prospective applicant's status as a public utility as that term is construed under Section 519.211, Ohio Revised Code.

The purpose of the pre-application conference will be to, generally, evaluate the impact of the proposed cellular tower on adjacent areas and neighborhoods, discuss possibilities of co-location, identify alternative suitable sites that may minimize the negative impact on residential areas, and determine if Section 554 of this Zoning Resolution applies to the proposed tower.

If the prospective applicant is determined to be a public utility, and the proposed site is not within an area zoned for residential use, then the Zoning Inspector shall provide a copy of this regulation with a request that the prospective applicant adhere to the guidelines set forth herein, but shall not require the prospective applicant to file a formal application. The Zoning Inspector shall also issue to the prospective applicant a certificate of exemption. This document shall certify that the zoning resolution is not applicable to the proposed construction of a tower and accessory equipment at the specified location.

If the Zoning Inspector determines that the prospective applicant is not a public utility or the prospective site is within an area zoned for residential use, then the application procedures and regulations set forth herein in Section 554 apply. As used in this Zoning Resolution, an area zoned for residential use shall mean an area zoned as a residential district, an area with a residential zoning classification under this Zoning Resolution or an area zoned primarily for residential use. The areas to which these regulations apply are referred to as regulated areas.

"Regulated Area" shall mean all zoning districts within the Township if a telecommunications tower is determined not to be a public utility, but shall mean only those zoning districts which include areas zoned for residential use if the telecommunications tower is a public utility.

110.0122 In the case of a telecommunications provider that plans to construct, locate, erect, reconstruct, change, alter or use or enlarge a telecommunications tower in the township in a regulated area, including an area zoned for residential use, that is to be used in the provision of telecommunication services, the public utility shall:

a) Provide evidence satisfactory to the Board of Township Trustees concerning compliance with the notice provisions of Section 519.211(b), Ohio Revised Code; and

b) Comply with all application and submission requirements to obtain a Special Zoning Certificate pursuant to Section 554 of this Zoning Resolution in the event the Board of Township Trustees shall receive a timely notice from any person entitled to object to the location under Section 519.211(b), Ohio Revised Code, following receipt of the required notice.

110.0123 If a timely notice of objection is received and Sections 519.02 to 519.25, Ohio Revised Code, apply to the telecommunications tower, then an application shall be made in accordance with the regulations herein to the Board of Zoning Appeals.

110.013 Sale or Use of Alcoholic Beverages. The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. (Ohio Revised Code §519.21)

110.014 Outdoor Advertising. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business or trade or lands used for agricultural purposes. (Ohio Revised Code §519.20)

110.015 Governmental Functions. Any local, state or federal activity carried on for the purpose of administrative, protective, executive, legislative or judicial function shall not be prohibited.

110.020 New Development. New development, including the subdivision of land and the construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

110.021 Subdivision. The subdivision or resubdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not permitted in the Zoning District.

110.022 New Structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the Subdivision Regulations of Franklin County, Ohio, and shall conform with the development standards of the Zoning

Districts in which such construction is permitted, except as is otherwise provided for in paragraph 110.041.

110.023 New Uses. Any use of land or a structure shall be a permitted use or a conditional use of the Zoning District in which such use is to be located.

110.030 Existing Conforming Lots, Structures Or Uses. Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued, provided that they may be altered, extended, or changed only in accordance with the following:

110.031 Conforming Lots. A conforming lot may be changed, altered, enlarged or reduced in dimension; provided, however, that the remaining lot and/or resulting lots shall conform to the development standards for the Zoning District in which the lot is located.

110.032 Conforming Structure. A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.

110.033 Conforming Use. A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use, or conditional use regulations and with the development standards of the Zoning District in which the conforming use is located.

110.040 Non-Conforming Lots, Structures Or Uses. Existing lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning Development in which they are located shall be considered as non-conforming.

110.041 Non-Conforming Lots. The construction of a conforming structure and/or the conduct of a permitted use may be allowed on any lot or parcel of record which has an area and/or width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard relating to minimum area and/or minimum width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of ARTICLE VIII, BOARD OF ZONING APPEALS.

Such non-conforming lots or parcels must be in separate ownership and not of continuous frontage with other lands in the same ownership on the effective date of this amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

110.042 Non-Conforming Structures and Development. Structures and/or accessory development, which by reason of size, type, location on the lot or otherwise, is in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.

Such alteration, reconstruction, or extension shall include such additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

110.043 Non-Conforming Uses. The non-conforming use of a lot and/or a structure may be continued, expanded or changed, subject to the following:

1) Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.

2) On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.

3) On approval of an appeal to the Board of Zoning Appeals, for good cause and hardship shown, a non-conforming use may be expanded within an existing structure or lot or parcel of record.

4) Any non-conforming use may be reestablished within two (2) years of discontinuance. The non-conforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any such calamity, provided the building or structure has not been destroyed to an extent of more than one-half (1/2) of its fair value, and provided such reconstruction is started within six (6) months of such calamity and is completed within twelve (12) months after the occurrence of such calamity.

5) In the case of conflict among the foregoing requirements applicable in any given situation, the most restrictive of such applicable requirements shall apply.

SECTION 115 AVAILABILITY OF REZONING APPLICATIONS

115.010. Rezoning Applications. The applications for rezoning are available for public inspection in the Office of the Township Fiscal Officer.

SECTION 120 ZONING RESOLUTION SCHEDULE OF FEES

120.010. Schedule of Fees. This Zoning Resolution shall apply the Schedule of Fees with respect to various zoning matters adopted by the Board of Township Trustees. The Schedule of Fees is reflected in Exhibit D.

ARTICLE II ZONING DISTRICT MAP ADOPTED

SECTION 200 ZONING DISTRICT MAP ADOPTED.

200.010 Division Of Land. All land in Washington Township within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning District Map of Washington Township, Franklin, Delaware and Union Counties, Ohio, which is hereby adopted and declared to be a part of this Zoning Resolution.

200.011 Final Authority. The Zoning District Map, as amended from time to time, shall be the final authority for the Zoning District status of land and land use under the jurisdiction of this Zoning Resolution.

200.012 Identification Of The Zoning District Map. The Zoning District Map, with any amendments, shall be identified by the signatures of the Board of Township Trustees, Washington Township, Franklin, Delaware and Union Counties, Ohio, under the following words:

"Zoning District Map of Washington Township, Franklin, Delaware and Union Counties, Ohio. Adopted by the Board of Township Trustees, Washington Township, Franklin, Delaware and Union Counties, Ohio."

BOARD OF TOWNSHIP TRUSTEES
WASHINGTON TOWNSHIP, FRANKLIN,
DELAWARE AND UNION COUNTIES, OHIO

DATE

SECTION 201 DESIGNATION OF ZONING DISTRICTS.

201.010 Standard Zoning Districts. The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

<u>Name</u>	<u>Symbol</u>
Suburban Residential	R-SR
Semi-Rural Residential	R-SRR
Suburban Office	SO
Neighborhood Commercial	NC
Restricted Industrial	RI
Limited Industrial	LI

201.020 Planned Development Zoning District. The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

<u>Name</u>	<u>Symbol</u>
Planned Residential	PR-6
Planned Commercial District	PCD
Select Commercial Plan District	SCPD
Planned Highway Service	PHS
Planned Industrial Park	PID

201.030 Special District. The name and symbol or pattern for a Special District as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

201.031 Exceptional Use	EU
201.032 Floodplain Overlay District	FOD
201.033 Rural Character Overlay District	RCOD
201.034 Village Center Overlay District	VCOD

201.080 Legend. There shall be provided on the Zoning District Map a legend which shall list the name and symbol for each Zoning District.

201.081 Use of Color or Pattern. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each Zoning District as indicated in the Legend. A Planned Zoning District boundary shall be in blue. A Special District boundary shall be in green. A Special District shall have a black and white pattern.

201.082 Explanatory Notes. A Residential Zoning District symbol is suffixed by a number which indicates the number of dwelling units per acre of land obtainable under the regulations of the Residential Zoning District.

A Planned Zoning District is prefixed by the letter "P."

SECTION 205 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

205.010 Rules For Determination. When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

205.011 Along a Street or Other Right-of-Way. Where Zoning District boundary lines are indicated as approximately following a center line of street or highway, alley, railroad easement or other right-of-way, or a river, creek or other watercourse, such center line shall be the Zoning District boundary.

205.012 Along a Property Line. Where Zoning District boundary lines are indicated as approximately following a lot or property line, such lot or property line shall be the Zoning District boundary.

205.013 Parallel to Right-of-Way on Property Line. Where Zoning District boundary lines are indicated as approximately being parallel to a center line or a lot or property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map at such scaled distance therefrom as indicated on the Zoning District Map.

205.014 Actual Conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists shall furnish an actual survey for interpretation by the Board of Township Trustees of Washington Township.

ARTICLE III STANDARD DISTRICT REGULATIONS

SECTION 300 ADOPTION OF STANDARD ZONING DISTRICT REGULATIONS AND RULES OF APPLICATION.

300.010 Regulation Of The Use And Development Of Land And Structures. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a Standard Zoning District in ARTICLE II and as shown on the Zoning District Map are hereby established and adopted.

300.020 Rules Of Application. The Standard District Regulations as set forth in this ARTICLE III shall be interpreted and enforced according to the following rules:

300.021 Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

300.022 Permitted Uses. Only a use designated as a Permitted Use and conforming to the applicable Development Standards and other requirements of this Zoning Resolution shall be allowed as matter of right in a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional use may be added to the Permitted Uses of the Zoning District by amendment of this Zoning Resolution.

300.023 Conditional Use. A use designated as a Conditional Use shall be allowed in a Zoning District when such Conditional Use and its location and extent and method of development will not substantially alter the character of the neighborhood or vicinity or unduly interfere with the use of adjacent lots or parcels in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals may, in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment, render the Conditional Use compatible with the existing and future use of adjacent lots or parcels and the neighborhood or vicinity.

300.024 Development Standards. The Development Standards set forth shall be the minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.

SECTION 302 (R-SR) SUBURBAN RESIDENTIAL DISTRICT REGULATIONS.

302.020 Permitted Uses. Land and buildings in the SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

302.021 Dwelling Structures. One-family dwelling structures.

302.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

302.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V, including:

Quarters for domestic servants employed on the premises.

302.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot or parcel of not less than five (5) acres.

Parks, playgrounds, and playfields open to the public without fee.

302.025 Day-Care Center or Private School. Day-care center offering instructional classes or private school offering general educational courses similar to those ordinarily given in public schools, having no rooms regularly used for housing or sleeping of students, provided it occupies a lot or parcel of not less than two (2) acres.

302.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area.

302.027 Bed and Breakfast.

302.030 Conditional Use. The following uses shall be allowed in the SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

302.031 Community-Based Care Facilities. Placement of Community-Based Care Facilities in accordance with Section 510, Article V and Section 815, Article VIII.

302.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the SUBURBAN RESIDENTIAL DISTRICT.

302.041 Lot Area and Coverage. For each dwelling unit constructed as a permitted use there shall be a lot area of not less than two acres.

For each Permitted Use and Conditional Use the lot area shall be adequate to meet the sanitation requirements of the Franklin County Board of Health and the Ohio EPA, but shall not be less than that prescribed for such use.

One (1) principal use shall be permitted on a lot or parcel, and such lot or parcel shall not be covered more than twenty percent (20%) by structures.

302.042 Lot Width. For a one-family dwelling, there shall be a lot width of one hundred fifty (150) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For Permitted Uses other than one-family dwellings, the frontage of the lot or parcel, which shall have access to and abut on a public right-of-way, shall be not less than one-third (1/3) of the average depth of the lot or parcel.

For Conditional Use, the lot width shall be adequate, as determined by the Board of Zoning Appeals.

302.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of fifty (50) feet or more with a minimum ten (10) feet on one (1) side, and where a side yard is less than twenty-five (25) feet, no structure shall be constructed closer to an existing structure on an adjoining lot or parcel than fifty (50) feet.

For a Conditional Use, except dwellings and accessory buildings thereto, there shall be side yard on each side of a building of twenty-five (25) feet or more.

302.044 Front and Rear Yards. For main buildings, there shall be a minimum building setback of seventy-five (75) feet and a minimum rear yard of fifty (50) feet and, to the extent that SECTIONS 504.010 and 504.011 impose a requirement of a front yard greater than imposed by this SECTION, SECTIONS 504.010 and 504.011 shall control.

302.045 Living Area. For a one-family dwelling structure there shall be not less than eighteen hundred (1800) square feet of living space, calculated exclusive of garage area, breezeways, unfinished attic space, and space more than one-half (1/2) below grade.

302.046 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 306 (R-SRR) SEMI-RURAL RESIDENTIAL DISTRICT REGULATIONS.

306.020 Permitted Uses. Land and buildings in the SEMI-RURAL RESIDENTIAL DISTRICT shall be used only for the following purposes:

306.021 Dwelling Structures. One-family dwelling structures.

306.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

306.023 Accessory Uses. Accessory buildings and uses in association with permitted buildings as specified in SECTION 512, ARTICLE V.

306.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot or parcel of not less than five (5) acres.

Parks, playgrounds, and playfields open to the public without fee.

306.025 Day-Care Center or Private School. Day-care center offering instructional classes or private school offering general educational courses similar to those ordinarily given in public schools, having no rooms regularly used for housing or sleeping of students, provided it occupies a lot or parcel of not less than five (5) acres.

306.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area.

306.030 Conditional Use. The following uses shall be allowed in the SEMI-RURAL RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

306.031 Flexible Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

306.032 Community-Based Care Facilities. Placement of Community-Based Care Facilities in accordance with Section 510, Article V and Section 815, Article VIII.

306.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the SEMI-RURAL RESIDENTIAL DISTRICT.

306.041 Lot Area and Coverage. For each dwelling unit constructed as a permitted use there shall be a lot area of not less than five (5) acres.

For each Permitted Use and Conditional Use the lot area shall be adequate to meet the sanitation requirements of the Franklin County Board of Health and the Ohio EPA, but shall not be less than that prescribed for such use.

One (1) principal use shall be permitted on a lot or parcel, and such lot or parcel shall not be covered more than ten percent (10%) by structure.

306.042 Lot Width. For a one-family dwelling, there shall be a lot width of three hundred (300) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For Permitted Uses other than one-family dwellings, the frontage of the lot or parcel, which shall have access to and abut on a public right-of-way, shall be not less than one-third (1/3) of the average depth of the lot or parcel.

For Conditional Use, the lot width shall be adequate, as determined by the Board of Zoning Appeals.

306.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of fifty (50) feet or more with a minimum ten (10) feet on one (1) side, and where a side yard is less than twenty (20) feet, no structure shall be constructed closer to an existing structure on an adjoining lot or parcel than fifty (50) feet.

For a Conditional Use, except dwellings and accessory buildings thereto, there shall be side yard on each side of a building of twenty (20) feet or more.

306.044 Front and Rear Yards. For main buildings, there shall be a minimum building setback of seventy-five (75) feet and a minimum rear yard of one hundred (100) feet and, to the extent that SECTIONS 504.010 and 504.011 shall impose a requirement of a front yard greater than imposed by this SECTION, SECTIONS 504.010 and 504.011 shall control.

306.045 Living Area. For a one-family dwelling structure there shall be not less than eighteen hundred (1800) square feet of living space, calculated exclusive of garage area, breezeways, unfinished attic space, and space more than one-half (1/2) below grade.

306.046 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 322 (SO) SUBURBAN OFFICE DISTRICT.

322.020 Permitted Use. The following uses shall be permitted in the SUBURBAN OFFICE DISTRICT.

322.021 Residential. Dwellings ancillary to permitted institutional uses.

322.022 Administrative and Business. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Operative Builders, Office
Commercial and Stock Savings Banks

Mutual Savings Banks
 Trust Companies Not Engaged in Deposit Banking
 Establishments Performing Functions Closely Related to Banking
 Rediscount and Financing Institutions for Credit Agencies Other Than Banks
 Savings and Loan Associations
 Agricultural Credit Institutions
 Personal Credit Institutions
 Business Credit Institutions
 Mortgage Bankers and Brokers
 Security Brokers, Dealers and Flotation Companies
 Commodity Contracts Brokers and Dealers
 Security and Commodity Exchanges
 Services Allied with the Exchange of Securities or Commodities
 Life Insurance
 Accident and Health Insurance and Medical Service Plans
 Fire, Marine, and Casualty Insurance
 Surety Insurance
 Title Insurance
 Pension, Health and Welfare Funds
 Insurance Carriers, not elsewhere classified
 Insurance Agents, Brokers and Service
 Real Estate Operators and Lessors
 Real Estate Agents and Managers
 Title Abstract Companies
 Subdividers and Developers
 Combinations of Real Estate, Insurance, Loans, Law Offices
 Holding Company Offices
 Investment Companies
 Trusts
 Miscellaneous Investing

322.023 Professional. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

Offices of Veterinarians and Animal Hospitals (except that no pens or cages shall be permitted outside of buildings)
 Offices of Physicians
 Offices of Dentists
 Offices of Osteopathic Physicians
 Offices of Other Health Practitioners
 Nursing and Personal Care Facilities
 Medical and Dental Laboratories
 Outpatient Care Facilities
 Health and Allied Services
 Legal Services
 Engineering, Architectural, and Surveying Services
 Accounting, Auditing, and Bookkeeping Services
 Services, not elsewhere classified.

322.024 Institutions. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public.

Hospitals
Elementary, and Secondary Schools
Colleges, Universities, Professional Schools, and Junior Colleges
Libraries
Museums and Art Galleries
Religious Organizations

322.025 Organizations and Associations. Organizations and associations, organized on profit-making or nonprofit-making basis, for the promotion of membership interests.

Business Associations
Professional Membership Organizations
Labor Unions and Similar Labor Organizations
Civic, Social, and Fraternal Associations
Political Organizations
Membership Organizations, not elsewhere classified

322.030 Conditional Use. The following uses shall be allowed in the SUBURBAN OFFICE DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

322.032 Personal Service. Personal services generally involving the care of the person or his apparel.

Photographic Studios, Portrait
Beauty Shops
Barber Shops
Funeral Service and Crematories

322.033 Educational and Research. Educational and research establishments engaged in providing tangible and intangible services to members of the general public.

Research, Development, and Testing Laboratories
Data Processing Schools
Business and Secretarial Schools
Vocational School, except Vocational High Schools, not elsewhere classified
School and Educational Services, not elsewhere classified
Nonprofit Educational, Scientific, and Research Agencies

322.034 Food and Lodging. Food and lodging includes commercial establishments and institutions engaged in furnishing lodging and meals on a fee basis.

Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, Article VII).

Organization Hotels and Lodging Houses on Membership Basis.

322.035 Social Services. Establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and the

disadvantaged. Also included are organizations soliciting funds to be used directly for these and related services.

Individual and Family Social Services
Job Training and Vocational Rehabilitation Services
Child Day Care Services
Social Services, not elsewhere classified

322.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the SUBURBAN OFFICE DISTRICT.

322.041 Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

One (1) or more main buildings or PERMITTED USES may be placed on a lot; however, main and accessory structures shall not occupy more than fifty percent (50%) of a lot, nor in total gross floor area exceed eighty percent (80%) of the lot area.

322.042 Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

322.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than one-fourth (1/4) the sum of the height of the structure and the length of the wall most nearly parallel to side lot line, but in no case shall the side yard be less than twenty (20) feet.

322.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. These required rear yards shall be no less than one-fourth (1/4) the sum of the height of the structure and the length of the wall most nearly parallel to rear lot line, but in no case shall the rear yard be less than twenty-five (25) feet.

324.045 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 325 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS.

325.020 Permitted Use. The following uses shall be permitted in the NEIGHBORHOOD COMMERCIAL DISTRICT:

325.021 Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale).

Hardware Stores
Grocery Stores
Meat and Fish (Sea Food) Markets
Fruit Stores and Vegetable Markets
Candy, Nut and Confectionery Stores

Dairy Products Stores
Retail Bakeries
Drug Stores and Proprietary Stores
Liquor Stores
Florists
Camera and Jewelry Stores
Gift Shops
Antique Furniture and Novelty Shops
Art Galleries

325.022 Personal Services. Personal services generally involving the care of the person or his personal effects.

Self-Service Laundries
Beauty Shops
Barber Shops
Shoe Repair Shops, Shoe Shine Parlors and Hat Cleaning Shops
Pressing, Alteration, and Garment Repair
Health Spas
Small Item Service and Repair Shops

325.023 Recreational Services. Recreational services not open to the public or only open to the public with a payment of a fee.

Sports Courts (outdoors)

325.024 Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.
Commercial and Stock Savings Banks
Credit Agencies other than Banks
Personal Credit Institutions
Insurance Agents, Brokers and Services
(Real Estate) Agents, Brokers and Managers
Combinations of Real Estate, Insurance, Loans, Law Offices
Offices of Physicians and Surgeons
Offices of Dentists and Dental Surgeons
Offices of Osteopathic Physicians
Offices of Chiropractors
Legal Services

325.030 Conditional Use. The following uses shall be allowed in the NEIGHBORHOOD COMMERCIAL DISTRICT subject to approval in accordance with SECTION 815 of ARTICLE VIII.

Offices of Veterinarians
Lawn and Garden Shops

325.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the NEIGHBORHOOD COMMERCIAL DISTRICT.

325.041 Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

325.041 Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

325.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District as listed in SECTION 201, ARTICLE II. Such side yards shall be not less than one-fourth (1/4) the sum of the height and depth of the building, but in no case shall be less than twenty (20) feet.

325.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the building, but in no case shall be less than twenty-five (25) feet.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

325.045 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 342 (RI) RESTRICTED INDUSTRIAL DISTRICT REGULATIONS.

342.020 Permitted Use. The following uses shall be permitted in the RESTRICTED INDUSTRIAL DISTRICT.

342.021 Manufacturing.

- Canning and Preserving Fruits, Vegetables
- Bakery Products
- Candy and Other Confectionery Products
- Men's, Youth's, and Boys' Suits, Coats, and Overcoats
- Men's, Youth's, and Boys' Furnishings, Work Clothing and Allied Garments
- Women's, Misses', and Juniors' Outerwear
- Women's, Misses', Children's, and Infants' Under Garments
- Hats, Caps, and Millinery
- Girls', Children's, and Infants' Outerwear
- Fur Goods
- Apparel and Accessories
- Fabricated Textile Products
- Newspapers: Publishing, Publishing and Printing
- Periodicals: Publishing, Publishing and Printing
- Books: Printing and Publishing
- Commercial Printing
- Manifold Business Forms Manufacturing

Greeting Card Manufacturing
Bookbinding and Related Industries
Service Industries for the Printing Trade
Footwear, except Rubber
Leather Gloves and Mittens
Luggage
Handbags and other Personal Leather Goods
Glass Products, made of Purchased Glass
Communication Equipment
Electronic Components and Accessories
Engineering, Laboratory, and Scientific and Research Instruments and Associated Equipment
Instruments for Measuring, Controlling, and Indicating Physical Characteristics
Optical Instruments and Lenses
Surgical, Medical, and Dental Instruments and Supplies
Ophthalmic Goods
Photographic Equipment and Supplies
Watches, Clocks, Clockwork Operated Devices, and Parts
Jewelry, Silverware and Plated Ware

342.022 Wholesaling.

Drugs, Chemicals, and Allied Products
Dry Goods and Apparel
Groceries and Related Products
Electrical Goods
Hardware and Plumbing and Heating Equipment and Supplies
Machinery, Equipment and Supplies
Tobacco and its Products
Beer, Wine, and Distilled Alcoholic Beverages
Paper and its Products
Furniture and Home Furnishings

342.030 Conditional Use. The following uses shall be allowed in the RESTRICTED INDUSTRIAL DISTRICT, subject to approval in accordance with SECTION 815, ARTICLE VIII.

342.031 Laboratories.

Research, Development and Testing Laboratories

342.032 Other Industry. PERMITTED USES of the LIMITED INDUSTRIAL DISTRICT developed in accordance with the provisions of this district.

342.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the RESTRICTED INDUSTRIAL DISTRICT.

342.041 Intensity of Use. Lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS. A use shall conform with Section 551, Public Nuisance Regulations, and conform with the following provisions:

1) A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.

2) Open service areas and loading docks shall be screened by wall or fences at least six (6) feet but no more than eight (8) feet in height. These walls or fences shall have an opaqueness of ninety percent (90%) or more, so as to effectively conceal service and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District as listed in SECTION 201, ARTICLE II.

342.042 Lot Width. All lots shall abut a public street and have adequate lot width to provide the yard space required by these DEVELOPMENT STANDARDS.

342.043 Side Yards. For main and accessory structures, including open service and loading areas, the required side yards shall not be less than one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than fifteen (15) feet from the interior lot line and twenty-five (25) feet from any Residential Zoning District or Planned Development District as listed in SECTION 201, ARTICLE II.

342.044 Rear Yards. For main and accessory structures, the required rear yards shall be not less than one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than fifteen (15) feet from any interior lot line and twenty-five (25) feet from any Residential Zoning District or Planned Development District as listed in SECTION 201, ARTICLE II.

342.045 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 344 (LI) LIMITED INDUSTRIAL DISTRICT REGULATIONS.

344.020 Permitted Use. The following uses shall be permitted in the LIMITED INDUSTRIAL DISTRICT.

344.021 Restricted Industrial Districts. Any PERMITTED USE of the RESTRICTED INDUSTRIAL DISTRICT shall be permitted in the LIMITED INDUSTRIAL DISTRICT.

344.022 Manufacturing.

- Dairy Products
- Grain Mill Products
- Beverage Industries
- Broad Woven Fabric Mills, Cotton
- Broad Woven Fabric Mills, Man-Made Fiber and Silk
- Broad Woven Fabric Mills, Wool: including Dyeing and Finishing
- Narrow Fabrics and Other Smallwares Mills: Cotton, Wool, Silk, and Man-Made Fiber
- Knitting Mills
- Dyeing and Finishing Textiles, except Wool Fabrics and Knit Goods
- Floor Covering Mills
- Yarn and Thread Mills
- Miscellaneous Textile Goods
- Sawmills and Planning Mills

Millwork, Veneer, Plywood, and Prefabricated Structural Wood Products
Wood Containers
Household Furniture
Office Furniture
Public Building and Related Furniture
Partitions, Shelving, Lockers and Office and Store Fixtures
Miscellaneous Furniture and Fixtures
Paperboard Containers and Boxes
Industrial Leather Belting and Packing
Boot and Shoe Cut Stock and Findings
Leather Goods, not elsewhere classified
Flat Glass
Glass and Glassware, Pressed or Blown
Structural Clay Products
Pottery and Related
Cut Stone and Stone Products
Iron and Steel Foundries
Nonferrous Foundries
Metal Cans
Cutlery, Hand Tools and General Hardware
Heating Apparatus (except electric) and Plumbing Fixtures
Sheet Metal Work
Machine Shops, Jobbing and Repair
Household Appliances
Electric Lighting and Wiring Equipment
Miscellaneous Electrical Machinery, Equipment and Supplies
Retail Lumber
Soil Processing
Mulching Operations
Composting Operations (not for self use)
Musical Instruments and Parts
Toys, Amusements, Sporting and Athletic Goods
Pens, Pencils and Other Office and Artists' Materials
Costume Jewelry, Costume Novelties, Button and Miscellaneous Notions, except Precious Metal
Chocolate and Coca Products
Chewing Gum
Concrete
Machine Shops
Retail Lumber, Concrete and Metal Building Materials
Manufacture of automobile, motorcycle, boat, aircraft, farm and similar machinery and parts

344.023 Warehousing, Wholesaling, and Transportation Service.

Railroads
Sleeping Car and Other Passenger Car Service
Railway Express Service
Trucking, Local and Long Distance
Public Warehousing
Freight Forwarding
Arrangement of Transportation
Rental of Railroad Cars

Helicopter or Helipad Services
Miscellaneous Services Incidental to Transportation
Motor Vehicles and Automotive Equipment
Farm Products - Raw Materials
Scrap Metal Facilities
Junk Yards Facilities
Research Facilities

344.024 Service Industries.

General Building Contractors
Highway and Street Construction
Heavy Construction including construction contractors
Plumbing, Heating and Air Conditioning
Painting, Paper Hanging, and Decorating
Electrical Work
Masonry, Stonework, Tile Setting and Plastering
Carpentering and Wood Flooring
Roofing and Sheet Metal Work
Concrete or Asphalt work or paving contractors
Water Well Drilling
Research Facilities

344.030 Conditional Use. The following uses shall be allowed in the LIMITED INDUSTRIAL DISTRICT, subject to approval in accordance with SECTION 815, ARTICLE VIII.

344.032 Commercial Establishments. Commercial establishments normally associated with and intended to serve the industrial establishments or their employees.

Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, Article VII)

Commercial and Stock Savings Banks
Savings and Loan Associations
Personal Credit Institutions
Business Credit Institutions
Offices of Physicians and Surgeons
Offices of Dentists and Dental Surgeons
Offices of Osteopathic Physicians
Medical and Allied Services
Engineering and Architectural Services
Accounting, Auditing, and Bookkeeping Services

344.033 Administrative Offices. Administrative offices primarily engaged in general administrative supervision, purchasing, accounting and other management functions.

344.034 Personal and Consumer Services. Personal services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption intended to serve the industrial establishments or their employees.

Personal
Beauty Shops
Barber Shops
Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops
Pressing, Alterations and Garment Repair
Business
Advertising
Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collecting Agencies
Duplicating, Addressing, Blueprinting, Photocopying, Mailing, Mailing List, and Stenographic Services
Private Employment Agencies

344.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the LIMITED INDUSTRIAL DISTRICT.

344.041 Intensity of Use. Lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and the following provisions:

1) A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall have an opaqueness of ninety percent (90%) or more, so as to effectively conceal production, storage, service, and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District as listed in SECTION 201 of ARTICLE II.

2) Permitted Uses of this district may be developed in accordance with the DEVELOPMENT STANDARDS of SECTION 342, RESTRICTED INDUSTRIAL DISTRICT.

344.042 Lot Width. All lots shall abut a public street for a distance of one hundred (100) feet or more and have adequate lot width to provide the yard space required by these DEVELOPMENT STANDARDS.

344.043 Side Yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall be not less than one-third (1/3) the sum of the height and depth of the structure, but shall not be less than fifty (50) feet from any Residential Zoning Districts listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS OF SECTION 342, RESTRICTED INDUSTRIAL DISTRICTS.

344.044 Rear Yards. For main and accessory structures, including open storage, service and loading areas, the required rear yards shall be not less than one-third (1/3) the sum of the height and width of the structure, but shall not be less than fifty (50) feet from any Residential Zoning District as listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS OF SECTION 342, RESTRICTED INDUSTRIAL DISTRICTS.

344.045 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

ARTICLE IV
PLANNED DEVELOPMENT PROCEDURES AND REGULATIONS

SECTION 400 PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS ADOPTED.

400.010 Procedures For The Establishment Of A Planned Development Zoning District. Planned Development Zoning Districts may be established by application in accordance with the provisions of ARTICLE VII and the requirements of procedure of the PLANNED DEVELOPMENT ZONING DISTRICT.

400.020 Regulations Of The Use And Development Of Land And Structures. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a PLANNED DEVELOPMENT DISTRICT in ARTICLE II, and as may be drawn on the Zoning District Map are hereby established and adopted.

400.030 Rules Of Application. The PLANNED DEVELOPMENT REGULATIONS set forth in this ARTICLE IV shall be interpreted and enforced according to the following rules.

400.031 Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

400.032 Permitted Uses. Only uses designated as a Permitted Use shall be allowed as a matter of right in a PLANNED DEVELOPMENT ZONING DISTRICT and any use not so designated shall be prohibited except when in character with the proposed development, such additional uses may be approved as a part of the Development Plan.

400.033 Procedures. The procedures and conditions set forth for the determination of PLANNED DEVELOPMENT DISTRICTS and developments therein shall be followed except when a written statement by the applicant clearly shows that such procedures or conditions do not or should not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Board of Township Trustees.

400.034 Development Standards. The Development Standards set forth shall be the minimum allowed for development in a PLANNED DEVELOPMENT ZONING DISTRICT.

SECTION 406 (PR-6) PLANNED RESIDENTIAL DISTRICT REGULATIONS.

406.020 Permitted Use. Land and buildings in the PLANNED RESIDENTIAL DISTRICT shall be used only for the following purposes:

406.021 Residential Development. Residential use developed in a unified manner in accordance with the approved Development Plan.

406.022 Home Occupation. Home occupation in association with a permitted dwelling and in accordance with the provisions of SECTION 511 of ARTICLE V.

406.023 Accessory Use. Accessory buildings; and uses in association with a permitted dwelling as specified in SECTION 512 of ARTICLE V, including:

Office facilities for the management functions, including property sales, necessary to the development and operation of the area included in the Development Plan.

Such other facilities including recreation facilities as may be provided for the use and/or the amenities of the occupants of the dwellings and provided that such facilities are an approved part of the Development Plan.

406.024 Schools and Parks. Public and private schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds and playfields open to the public without fee.

406.025 Religious. Church or other place of worship, provided there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area.

406.030 Procedure. The following procedure shall occur in placing land in the PLANNED RESIDENTIAL DISTRICT.

406.031 Submission of Application. The owner or owners of a tract of land four (4) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED RESIDENTIAL DISTRICT in accordance with the provisions of ARTICLE VII.

There is no minimum tract size if the proposed development is in keeping with the density and development character of adjacent lands.

406.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- 2) The proposed size, location, and use of nonresidential portions of the tract, including useable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence or reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.

- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary.

406.033 Basis of Approval. The basis for approving a PLANNED RESIDENTIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with the Washington Township Land Use Plan or portion thereof as it may apply;
- 3) That the proposed development advances the general health, safety and welfare of the Township and the immediate vicinity; and
- 4) That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

406.034 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the PLANNED RESIDENTIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for an extension of time is submitted and approved in accordance with 406.036.

The construction of the PLANNED RESIDENTIAL DISTRICT shall start within six (6) months of obtaining the appropriate building permits and achieve completion within twelve (12) months after the building permit was issued. Again, any extension of time shall be approved at the discretion of the Zoning Officer.

406.035 Plat Required. In the PLANNED RESIDENTIAL DISTRICT no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building set-back lines or space to be built upon; water, sewer, and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities; public and private street right-of-way, easements and walks; school sites, recreation areas, and other land to be dedicated to public use, including the purpose and intent of such dedication; the land to be commonly owned and maintained.
- 2) The nature and extent of earthwork required for site preparation and development.

- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

406.036 Extension of Time or Modification. An extension of the time limit or the modifications of the approved Development Plan shall be approved by at the discretion of the Zoning Officer. Such approval may be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED RESIDENTIAL DISTRICT.

406.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED RESIDENTIAL DISTRICT.

406.041 Intensity of Use. The maximum net density shall be six (6) dwelling units per acre of area devoted to residential use as defined below, except that the density may be reduced to comply with the health and sanitation requirements of the Franklin County Board of Health.

406.042 Calculation of Density. The calculation of residential density shall include all land devoted to residential use, and shall further include easements for utilities except major facilities which do not serve individual dwellings, minor surface drainage channels, recreation space and other areas provided as common open space including land dedicated to public use except required street rights-of-way.

406.043 Open Space. A minimum of twenty percent (20%) of the area included in the calculation of residential density shall be provided as open space or public use organized, arranged and restricted by easement, covenant, deed or dedication and not included in the minimum yard space required for dwelling or used to provide the required off-street parking.

- 1) Public use that will give benefit to the occupants of the dwelling units. Such public use may include but is not limited to educational and recreational facilities, flood protection, additional street rights-of-way (such additional street rights-of-way shall be defined as that which is more than sixty (60) feet in width), or other public improvements necessary to the health, safety and welfare of the people.
- 2) Common use and benefit of the occupants of the dwelling units. Such common use may include but is not limited to landscaped areas, recreational facilities; or other common use as will provide amenity to the area, but does not include required yards.

406.044 Arrangement of Areas. The location and arrangement of areas of various density within the PLANNED RESIDENTIAL DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be so arranged and distributed that development of higher density shall be appropriately balanced by open space and/or low density development.

Residential development, at a density higher than that permitted on land in adjacent Residential Zoning District, or other Permitted Uses shall not be located nearer than one hundred (100) feet to such Zoning District boundary.

406.045 Yards. The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with one or more of the following methods:

- 1) The Development Standards of the Residential Zoning District most appropriate for the dwelling type.

One-family dwellings, R-SR or R-SRR, according to the density of development.

- 2) Arrangement in accordance with the provisions of SECTION 502 of ARTICLE V.
- 3) Arrangement of structures and provisions of yard space and building setbacks in accordance with a plan of the site and structure prepared by an architect licensed to practice in the State or a landscape architect licensed to practice in the State. Such plan shall be subject to approval as the Development Plan or in conjunction with the subsequent Subdivision Plat as complying with the other requirements of these DEVELOPMENT STANDARDS and in accord with the purpose and intent of the PLANNED RESIDENTIAL DISTRICT regulations.

406.046 Other Yard Space. The arrangement of other uses and associated yard space shall be determined in accordance with the Development Standards of the Zoning District in which the use is a PERMITTED USE except that arrangement may be determined as in (2) or (3) of 406.045 above.

406.047 Private Roads and Parking. Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:

- 1) The easement shall not be counted as required open space.
- 2) The easement does not serve an area larger than two (2) acres.
- 3) The easement is approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

Off-street parking shall be provided in accordance with SECTION 531 of ARTICLE V, except residential parking may be provided in group garages or parking lots within one hundred and fifty (150) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street right-of-way, but in addition to the required roadway. Such parking shall be permitted only along streets internal to the area and not on a major thoroughfare.

406.048 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 427 (PCD) PLANNED COMMERCIAL DISTRICT REGULATIONS.

427.020 Permitted Use. Land and buildings in the PLANNED COMMERCIAL DISTRICT shall be used only for the following purposes:

427.021 Commercial establishments operated and maintained within an organized development of associated commercial activities such as a shopping center, in accordance with the approved Development Plan.

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

427.023 Other commercial facilities as detailed and described in the Development Plan and approved as a part of that Development Plan.

427.030 Procedure. The following procedure shall be followed in placing land in the PLANNED COMMERCIAL DISTRICT.

427.031 Submission of Application. The owner or owners of a tract of land two (2) acres or more in any area may request that the Zoning District Map be amended to include such tracts in the PLANNED COMMERCIAL DISTRICT in accordance with the provisions of ARTICLE VII.

427.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of structures and ancillary uses, indicating tenant types (uses) and total square feet in buildings.
- 2) The proposed size, location, and use of other portions of the tract, including landscaped, parking, loading, service, maintenance, and other areas or spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse or existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services, and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and engineering feasibility data which may be necessary and economic feasibility studies (market analysis or other data) justifying the proposed development.

427.033 Basis of Approval. The basis for approving a PLANNED COMMERCIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;

- 2) That the proposed development is in conformity with the Washington Township Land Use Plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity; and
- 4) That the economic character and improved site arrangement justify the location, size and design proposed in the Development Plan.

427.034 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the PLANNED COMMERCIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the two (2) year period, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 427.036.

427.035 Plat Required. In the PLANNED COMMERCIAL DISTRICT, no use shall be established or changed and no structure constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations of Franklin County, Ohio. The Subdivision Plat shall be in accordance with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines and buildable space within the site; water, sewer and other public utility installations, including sanitary sewer, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-commercial use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operations of tenants, including those applicable to areas within the tract to be developed non-commercially.

427.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED COMMERCIAL DISTRICT.

427.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED COMMERCIAL DISTRICT.

Open storage, sales, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than ten (10) feet in height. These walls, fences, or enclosures

shall have an opaqueness of ninety percent (90%) or more, so as to effectively conceal sales, service, storage and loading operations.

427.042 Lot Width. No minimum lot width is required. However, adequate lot width shall be provided to achieve the yard space required by these DEVELOPMENT STANDARDS.

427.043 Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201 of ARTICLE II. Such required side yards shall equal one-fourth (1/4) the sum of the height and depth of the structure, but in no case shall be less than twenty (20) feet.

427.044 Rear Yards. A rear yard shall be required adjacent to Residential Zoning District or another Planned Development District as listed in SECTION 201 of ARTICLE II. Such required rear yards shall equal one-fourth (1/4) the sum of the height and width of the structure, but in no case shall the rear yard be less than twenty-five (25) feet.

427.045 Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments within the PLANNED COMMERCIAL DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the PLANNED COMMERCIAL DISTRICT.

427.046 Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as Reserve Area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with 427.036. Reserve Areas shall be landscaped or otherwise maintained in a neat and orderly manner.

427.047 Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with SECTION 531 of ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the Development Plan.

427.048 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 430 (SCPD) SELECT COMMERCIAL PLANNED DISTRICT

430.020 Permitted Use. Land and buildings within the Select Commercial Planned District shall be used only for those selected uses identified by an applicant for zoning plan amendment and found within the Suburban Office, Community Commercial, Community Service, Restricted Industrial and Limited Industrial zoning districts. Proposes uses shall be enumerated in the application to provide compatibility with the neighborhood and community character and for compliance with the Washington Township Land Use Plan. All permitted uses shall be specifically approved by the Board of Township Trustees as a part of the Development Plan required for the subject property. Said permitted uses shall run with the land as long as the Select Commercial Planned District zoning, as approved, remains in effect.

430.030 Procedure. The following procedure shall be followed in placing land in the Select Commercial Planned District.

430031 Submission of Application. The owner(s) of a tract(s) of land of any size may request that the Zoning District Map be amended to include such tract(s) in the SELECT COMMERCIAL PLANNED DISTRICT in accordance with the provisions of ARTICLE VII.

430.032 Development Plan. A development plan at a scale of at least 1 inch equals 100 feet shall be prepared and sealed by either a registered architect, registered engineer or a registered landscape architect to satisfy Development Plan requirements. Three copies of a Development Plan shall be submitted with the application to amend the zoning district map. Such Development Plan shall demonstrate engineering and project feasibility, shall be in map form with accompanying text as appropriate and shall address the following:

- 1) Permitted Uses: Selected uses in accordance with ARTICLE IV to Be permitted within the Select Commercial Planned District shall be specified by area or specific building location as a part of the Development Plan submission. The Development Plan may state specific individual uses by area or structure in order to accomplish the desired compatibility with the surrounding environment.
- 2) Site Map: A survey map of the boundary of the area being requested for zoning map amendments shall depict existing roads, streets and easements within the subject tract as well as the proposed location and approximate size of all structures and ancillary uses. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development or off-site features affected by the development.
- 3) Vegetation: Significant stands of existing vegetation are to be depicted.
- 4) Soil: Soil types found on the subject tract are to be submitted based upon the Franklin County Soil Survey.
- 5) Performance Standards: See Section 430.041.

430.033 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the Washington Township Zoning Map as it applies to the land included in the approved amendment. The approved Select Commercial Planned District amendment shall be for a period of two (2) years to allow for the submission of a Zoning Compliance and if applicable, the submission for subdivision plat approval. Unless the required Zoning Compliance and subdivision plat approval(s) is (are) obtained within the two (2) year period, the approved Select Commercial Planned District amendment to the zoning map shall be voided and the land shall revert to its last previous zoning district, unless an application for time extension is submitted and approved in accordance with 406.036.

430.034 Extension of Time or Modification. An extension of the time limit or the modification of the approved Select Commercial Planned District amendment may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessary for such extension or modification and evidence of reasonable efforts toward the accomplishment of the original Select Commercial Planned District amendment, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the development standards of the Select Commercial Planned and Zoning Commission shall be followed prior to recommending to Board of

Township Trustees any modification to a previously approved Select Commercial Planned District. Normal public notification procedures of the Planning and Zoning Commission shall be followed prior to recommending to Board of Township Trustees any modification to a previously approved Select Commercial Planned District amendment.

430.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the SELECT PLANNED COMMERCIAL DISTRICT.

430.041 Performance Standards. Applications for the Select Commercial Planned District shall meet the following performance standards. The Development Plan will be reviewed to determine whether the following standards have been addressed and satisfied. Unless other indicated, information required by the performance standard criteria shall be submitted in conjunction with the Development Plan submission. A compliance waiver for any performance standard may be granted as a part of the Development Plan if approved by the Board of Township Trustees.

430.042 Traffic. Each Development Plan shall be accompanied by an analysis of traffic conditions that can be expected to result from the proposed development. The analysis shall estimate the Average Daily Traffic (ADT), the peak hour(s) of traffic and distribution of the same to the existing and proposed street system(s), together with an analysis of street improvements necessary to accommodate the additional traffic. The applicant shall state and document assumptions made regarding the projected traffic figures. Standard techniques and references shall be utilized.

Traffic expected to be generated by the proposed development shall not cause any tributary street or highway facility to operate below a level of service "C", as defined in the current edition of the "Highway Capacity Manual."

430.043 Access. Whenever multiple structures to be located in the Select Commercial Planned District are located on a collector or arterial street, as defined by the Franklin County Thoroughfare Plan, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the Select Commercial Planned District shall derive their access from the interior streets within the Select Commercial Planned District, unless specific exemptions are made as a party of the approved Development Plan.

430.044 Parking. Off-street parking, loading and service areas shall be provided in accordance with ARTICLE V. GENERAL DEVELOPMENT STANDARDS. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and structural arrangement set forth in the Development Plan.

All open off-street parking areas consisting of five (5) or more parking spaces or one thousand (1,000) square feet or more shall be screened from abutting residential uses. Curb barriers a minimum of five (5) feet from the property line shall be provided. Grass, planting or other acceptable surface material shall be provided for all areas bordering the parking area. When large parking areas are planned, landscaped islands or medians shall be utilize to lessen negative visual impact and direct traffic flow.

Whenever a parking lot or access drive is located adjacent to a residential area, screening shall be designed to prevent vehicle lights from shining directly onto the residential property.

430.045 Stormwater Drainage. A preliminary drainage plan shall be submitted showing topographical contours in two (2) foot intervals and general locations of existing and proposed improvements. Drainage and runoff from the proposed development shall not cause property damage.

All drainage improvement shall be designed in conformance with the requirements of the Franklin County Subdivision Regulations.

430.046 Water Supply and Sewage Disposal. Information regarding water supply and sewage disposal to be utilized shall be designed in conformance with the requirements of the Franklin County Subdivision Regulations.

430.047 Architectural Design. The Development Plan shall indicate general exterior design, building elevations and potential materials. All buildings shall be constructed with material compatible with the surrounding environment. All buildings shall be constructed with material consistent with the design character for each building on all sides.

All private deed restrictions pertaining to design character and location of buildings shall be included in the Development Plan.

- 1) Building Density: No tract shall have constructed thereon any building(s), which shall have a ground level, floor density of greater than thirty-five (35) percent of the tract upon which said building(s) is (are) constructed.
- 2) Building Height: No building shall exceed twenty-five (25) feet unless otherwise indicated and approved as part of the Development Plan as appropriate to the specific site and neighborhood character.

430.048 Outside Storage. Outside storage shall be permitted only as a part of an approved Development Plan within an Select Commercial Planned District. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lost so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.

430.049 Utilities and Facilities. All utilities shall be placed underground. All below ground storage facilities not under the ground floor of structures must be illustrated on the Development Plan.

430.050 Pollution.

- 1) Smoke: No smoke from an industrial or commercial process shall be emitted from any structure in the Select Commercial Planned District.
- 2) Odor: No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the Select Commercial Planned District.
- 3) Noise: No commercial, service or industrial use shall emit noise greater than sixty (60) decibels at the lot line.

430.051 Graphics. The Development Plan shall specify the signage concept indicating the general locations and size of all exterior signs and the relationship of signs to overall architectural design of the development. No sign located within the Select Commercial Planned District shall advertise off-premise activity. The signs shall meet the applicable provisions of ARTICLE V. GENERAL DEVELOPMENT STANDARDS as well as the following:

- 1) Wall Signs: Each business may have one (1) sign attached to the structure below roof level, other than identification signs for service areas. Signs for individual businesses may be no greater than ten (10) percent of the area below the rook of the exterior surface of the wall to which they are attached.

- 2) Free Standing Signs: Except site identification signs or traffic control signs, all free standing signs shall be directory in nature. There can be no more than one (1) free standing sign for each building on a lot other than traffic control signs. The total size of a free standing sign shall not exceed forty (40) square feet unless otherwise approved as a part of the Development Plan. Free standing signs shall be no more than twenty (20) feet in height, unless otherwise approved as a party of the Development Plan.
- 3) Development Area Identification Sign: One (1) development area identification sign shall be permitted within the Select Commercial Planned District as a part of the Development Plan. More than one development area identification sign may be approved based upon information submitted as a part of the Development Plan verifying the need for same.

Total maximum area permitted for one development area identification sign shall not exceed the following:

- (a) One (1) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way from the first fifty (50) feet.
 - (b) One-half (1/2) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way for the second fifty (50) feet.
 - (c) One-fourth (1/4) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way exceeding (100) feet.
 - (d) No development area identification sign shall exceed one hundred (100) square feet in area unless otherwise indicated and approved as a part of the Development Plan as being appropriate to the specific site and neighborhood character.
- 4) Temporary real estate For Sale or For Lease signs shall not exceed fifty (50) square feet in total area.
 - 5) A sign may be illuminated provided that no flashing, traveling, animated or intermittent illumination shall be used. Permitted illumination shall be confined to the area of the sign except when such illumination is back lighting for an otherwise nonilluminated sign.
 - 6) All private deed restrictions pertaining to signs shall be included as part of the Development Plan.

430.052 Lighting: The Development Plan must indicate the types of lamps and lighting fixtures, and the height of lighting fixtures to be used and the relationship of lighting fixtures to overall architectural design of the development.

- 1) Light sources outside the public right-of-way shall be located and arranged to provide good visibility and reflect the light away from the adjacent residential properties or any streets.
- 2) Street lights shall be installed by the developer, or by petition to the village, on all interior streets dedicated as public rights-of-ways unless otherwise exempted by the Board of Township Trustees.

- 3) All private deed restrictions pertaining to lighting shall be included in the Development Plan.

430.053 Screening and Landscaping Plan: Screening shall consist of earth mounding, plantings, fencing or a combination of the same. A Screening and Landscaping Plan shall be submitted as part of the Development Plan that incorporates the following:

- 1) Fencing: Fencing utilized in providing screening shall be architecturally appealing and shall be incorporated into the overall architectural design concept.
- 2) Abutting Residential Areas: Whenever a proposed Select Commercial Planned District abuts a residential area, screening shall be provided along the entire area of abutment in a manner that is aesthetically pleasing and effectively screens the residential areas from the proposed select commercial activities.
- 3) Plantings: When mounting is utilized in conjunction with plantings, the plant materials shall be of a size and species suitable which together will produce a minimum six (6) foot high screen within a two (2) year period. When plan material without mounting is utilized, the plant materials shall be a minimum five (5) feet in height when planted and be such species that will produce a dense six (6) foot visual screen within a two (2) year period. All screen plantings shall be maintained permanently, and material meeting the specifications of the original planting. Maintenance responsibilities for the screen plantings shall be addressed in the Development Plan.
- 4) Minimum Opacity: All screens must provide a minimum opaqueness of sixty percent (60%) or more.
- 5) Landscaping: Landscaping shall mean the improvement of the natural beauty of the land by grading, clearing and decorative planting or grass to create a pleasant and functional environment. Landscaping of a lot shall be installed within six (6) month after the month in which the building is completed. Any portion of a lot upon which a building or parking area is not to be constructed per the Development Plan shall e required to place at least one (1) tree (3" caliper or larger) in such a manner as to be spaced and placed in or among the parking rows. Such trees shall be in addition to any screening requirements contained herein and all replacement material shall meet the specifications of the original planting. All shrubs, trees, grass, ground covers and planting of every kind or type shall be well-maintained, properly cultivated and free from trash and other unsightly material and/or debris.
- 6) Exceptions to screening requirements may be made where:
 - (a) Existing topographical or vegetative characteristics provide the necessary screening effect, or
 - (b) Existing topographical conditions make it difficult to adequately screen the proposed use from adjacent properties. When the use cannot be adequately screened due to elevation differences between adjacent properties and the proposed site, the proposed design should minimize negative visual impact.
- 7) Any additional information necessary to demonstrate compliance with above items.

SECTION 435 (PHS) PLANNED HIGHWAY SERVICE DISTRICT REGULATIONS.

435.020 Permitted Use. Land and buildings in the PLANNED HIGHWAY SERVICE DISTRICT shall be used only for the following purposes.

Commercial establishments normally associated with and intended to service the traveling public. These establishments are motels, restaurants, gasoline service stations, and automotive facilities.

435.030 Procedure. The following procedure shall be followed in the PLANNED HIGHWAY SERVICE DISTRICT.

435.031 Submission of Application. The owner or owners of a tract of land two (2) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED HIGHWAY SERVICE DISTRICT in accordance with the provisions of ARTICLE VII and the following requirements:

435.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of structures and ancillary uses, indicating service types (uses) and total square feet in buildings.
- 2) The proposed size, location, and use of other portions of the tract, including landscaped, parking, loading, service, maintenance, and other areas or spaces.
- 3) The proposed provisions of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.
- 5) The proposed schedule of the site development and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights, engineering feasibility data which may be necessary and economic feasibility studies (market analysis or other data) justifying the proposed development.

435.033 Basis of Approval. The basis for approving a PLANNED HIGHWAY SERVICE DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with the Washington Township Land Use Plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity; and
- 4) That the economic character and improved site arrangement justify the location, size and design proposed in the Development Plan.

435.034 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the PLANNED HIGHWAY SERVICE DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the two (2) year period, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 435.036.

435.035 Plat Required. In the PLANNED HIGHWAY SERVICE DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback line and buildable space within the site; water, sewer and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities, easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-highway service use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operation of tenants, including those applicable to areas within the tract to be developed for non-highway service uses.

435.036 Extension of Time or Modification. An extension of the time limit for the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED HIGHWAY SERVICE DISTRICT.

435.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED HIGHWAY SERVICE DISTRICT.

435.041 Intensity of Use. Open storage, service, and loading area shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than ten (10) feet in height. These walls, fences, or enclosures shall have an opaqueness of ninety percent (90%) or more, so as to effectively conceal storage, service, and loading operations.

435.042 Lot Width. A minimum lot width of three hundred (300) feet is required at the front setback lines; however, adequate lot width shall be provided to achieve the yard space required by these DEVELOPMENT STANDARDS.

The width or the depth of the lot shall not be more than two (2) times the other.

435.043 Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201 of ARTICLE II. Such required side yards shall equal one-fourth (1/4) the sum of the height and depth of the structures, but in no case shall be less than thirty-five (35) feet.

435.044 Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201 of ARTICLE II. Such required rear yards shall equal one-fourth (1/4) the sum of the height and width of the structure, but in no case shall be less than thirty-five (35) feet.

435.045 Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments within the PLANNED HIGHWAY SERVICE DISTRICT, in addition to achieving these Development Standards, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the PLANNED HIGHWAY SERVICE DISTRICT.

435.046 Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as Reserve Area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with 435.031. Reserve Area shall be landscaped or otherwise maintained in a neat and orderly manner.

435.047 Parking and Loading. Off-street parking, loading, and service areas shall be provided in accordance with SECTION 531 of ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adopted to the site and the structural arrangement set forth in the Development Plan.

435.048 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

SECTION 444 (PID) PLANNED INDUSTRIAL DISTRICT REGULATIONS.

444.020 Permitted Use. The following uses shall be permitted in the PLANNED INDUSTRIAL DISTRICT.

444.021 Industrial Development. Manufacturing, processing, warehousing, industrial service, and commercial activities located and maintained within the limits of the Development Standards of these

PLANNED INDUSTRIAL DISTRICT regulations and in accordance with the approved Development Plan.

Commercial establishments normally associated with and intended to serve the industrial establishment or their employees and approved as a part of the Development Plan. These commercial establishments include but are not limited to: Financial Institutions, Restaurants, Gasoline Service Stations, Automotive Repair Establishments, recreation or other personal enrichment (except adults only entertainment establishments as defined in SECTION 720 of ARTICLE VII) facilities established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments, developed as a part of the approved Development Plan.

444.030 Procedure. The following procedure shall be followed in placing land in the PLANNED INDUSTRIAL DISTRICT.

444.031 Submission of Application. The owner or owners of a tract of land two (2) acres or more in area may request that the Zoning District Map be amended to include such tracts in the PLANNED INDUSTRIAL DISTRICT in accordance with the provisions of ARTICLE VII and the following requirements:

444.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of industrial areas, indicating by sketch, map, or text the general development character of the tract, limitations or controls to be placed on industrial uses, processes, operations, locations, or the types of tenants, probable lot size, and other development features, including the landscaping plan.
- 2) The proposed location and size of nonindustrial uses within the tract indicating types of proposed uses such as commercial, community service or facility, or other associated non-industrial activity.
- 3) The proposed provisions of water, sanitary sewer, industrial waste disposal, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including their relationship to topography and existing transportation facilities with evidence of reasonableness.
- 5) The proposed schedule of the site development and associated facilities, including streets, other transportation facilities, utilities, services and other facilities.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to prepare required land improvements, including street, water, sanitary sewers, waste disposal, surface drainage, and other facilities for subdivision development required by the Subdivision Regulations for Franklin County, Ohio. Evidence of control includes property rights and the engineering feasibility data which may be necessary.

444.033 Basis of Approval. The basis for approving a PLANNED INDUSTRIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respect with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with the Washington Township Land Use Plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity; and
- 4) That the benefits of improvement arrangement and design of the development justifies deviation from the standard requirements for industrial development.

444.034 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the PLANNED INDUSTRIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the two (2) years, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 444.036.

444.035 Plat Required. In the PLANNED INDUSTRIAL DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Public and private street and block layout (lot divisions are not required, but probable arrangement should be indicated); building setback lines; water, sewer, fire hydrant and other public utility installations, including sanitary sewage and waste disposal facilities; easements, rights-of-way, pavements and walks; and land reserved for non-industrial use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and the installation of public improvements such as streets and utilities.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the private use, development and maintenance of the land and improvements thereon, including those applicable to areas within the tract to be developed for non-industrial uses.

444.036 Extension of Time or Modification. An extension of the time limit for the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED INDUSTRIAL DISTRICT.

444.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED INDUSTRIAL DISTRICT.

444.041 Intensity of Use.

- 1) A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.
- 2) A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall have an opaqueness of ninety percent (90%) or more, so as to effectively conceal production, storage, service, and loading operations.

444.042 Lot Width. No minimum lot width is required. However, all lots shall abut a public street or otherwise provide access to such public street by means of roadway easement.

444.043 Side Yards. For main and accessory structures, including open storage, service, and loading areas, the required side yards shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than fifty (50) feet from any Residential Zoning District or Planned Residential District as listed in SECTION 201 of ARTICLE II.

444.044 Rear Yards. For main and accessory structures, including open storage, service, and loading areas, the required side yards shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than fifty (50) feet from any Residential District as listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS OF SECTION 342, RESTRICTED INDUSTRIAL DISTRICT.

444.045 Improvements Required. The following improvements shall be required:

- 1) Street improvements within or adjacent to the tract in accordance with the requirements of the Subdivision Regulations for Franklin County, Ohio.
- 2) Water and sewer facility improvements in accordance with the requirements of the Subdivision Regulations for Franklin County, Ohio.
- 3) An easement twenty-five (25) feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall include plantings which will achieve a height of ten (10) feet or more and an opaqueness of at least seventy-five percent (75%) within five (5) years of normal growth. This easement, when adjacent to a street right-of-way eighty (80) feet or more in width, or other industrial zoning district, may be reduced to fifteen (15) feet, a twenty-five percent (25%) opaqueness, and two (2) feet in height. The landscape plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner as required of the Subdivision Plat.

444.046 Plat and Landscape Plan Required. The Subdivision Plat shall be developed and recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. Landscaping shall be accomplished in accordance with the approved landscape plan in conjunction with development of adjacent lots in the industrial park.

444.047 Soil Suitability. For main and accessory structures, evidence of suitability of the soil for such development shall be required, in accordance with the Land Use Plan, including but not limited to soil composition, drainage and slope.

ARTICLE V GENERAL DEVELOPMENT STANDARDS

SECTION 500 GENERAL DEVELOPMENT STANDARDS ADOPTED.

500.010 General Regulation of the Arrangement and Development of Land and Structures. Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts adopted in ARTICLE II are hereby established and adopted as supplementary to the District Regulations of ARTICLE III and ARTICLE IV. To the extent that there is conflict between the applicable standards set forth in any of ARTICLES II, III or IV, on the one hand, and the standards set forth in this ARTICLE V, the applicable standards in ARTICLE II, III or IV shall control.

SECTION 502 LOT AND YARD SPACE REQUIREMENTS.

502.010 Minimum Requirements. Development Standards are minimum requirements for the arrangements of lots and spaces to be achieved in all developments.

502.020 Lot Area And Yard Space Preserved. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another use or structure, or counted as yard space for any other use or structure. A lot area shall not resemble a "flag lot" but the lot's road frontage must equal the width of the newly created lot.

502.021 Yards Required Open. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:

- 1) Fences, walls, and hedging shall be permitted in any required yard, or along the edge of any yard, provided that no fence or wall between a street and a front building line is more than three (3) feet in height; and provided that no hedging shall exceed three (3) feet in height within a public road right-of-way; and further provided that no fence permitted along the edge of any yard shall exceed six (6) feet in height except as required by the following sections in order to meet applicable screening requirement:
 - a) Sections 521 of Article V, Required Screening
 - b) Section 531.052, Screening required for Recreational Vehicles, Camping Trailers or other Trailers.
 - c) In accordance with an approved Development Plan of a Planned Development District.

Use of chain link fences is restricted to industrial areas to fence hazardous materials or equipment, but in addition mounding or evergreen plant material should be planted on the

exterior sides of the fence to screen the fence from roadways or adjacent properties. No screening is required in front of gates.

- 2) Eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet.
- 3) Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five (5) feet.
- 4) Residential driveways shall be permitted in required yards, but shall be five (5) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
- 5) Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within fifteen (15) feet of a Residential Zoning District or a Planned Residential Zoning District as listed in SECTION 201 of ARTICLE II.

502.022 Yards Not Otherwise Required. Yard space not otherwise required but provided shall be twenty-five (25) feet or more in width.

502.023 Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:

- 1) Fenced as permitted or required.
- 2) Landscaped by lawns, shrubbery, trees, and other plantings, maintained in a neat and orderly natural manner, or used for permitted accessory or ancillary use.
- 3) Paved or graveled for parking as permitted.

SECTION 503 STRUCTURAL HEIGHT LIMITATIONS.

No principal or accessory structure shall exceed thirty-five (35) feet in height, except that the Board of Zoning Appeals may approve a Conditional Use Permit for a structure exceeding thirty-five (35) feet, provided the procedures and requirements of Section 815 of this Zoning Resolution are met.

SECTION 504 BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY.

504.010 Building Lines Established. Along every street right-of-way a building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the Thoroughfare Plan as adopted by the Mid-Ohio Regional Planning Commission on October 6, 1961, (then the Franklin County Regional Planning Commission) and as amended from time to time, whichever right-of-way is greater, but in no event shall the building line be less than 75 feet from the centerline of the right-of-way. However, where a property adjoins a limited access right-of-way, a building line shall be established in accordance with the applicable side and rear yard requirements or twenty-five (25) feet, whichever is greater. Where property adjoins a limited access right-of-way, accessory structures may be permitted within the established building line on the condition that a setback of not less than eight (8) feet from the property line is provided.

504.011 Required Setback. A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.

504.012 Parking Setback. Open parking or loading spaces and associated access drives (other than those providing access to public rights-of-way) shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance. The establishment of a reduced setback in accordance with 504.014 shall not alter the parking setback requirements of this section and Sections 504.010 and 504.011.

504.014 Reduced Setback. If existing structures or uses on both lots adjacent to a lot have setbacks less than the set back line established by these Regulations, the setback on the center lot shall be the average setback established on the adjacent lots.

504.020 Sight Triangle Established. At every intersection of streets rights-of-way, a sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four (4).

504.021 Visibility Maintained. Within the sight triangle, there shall be maintained a clear visibility between the heights of two and one-half (2-1/2) feet and ten (10) feet above the average center line grade of the intersecting streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have a maximum dimension of six (6) inches or less of its horizontal section. If two (2) or more supports are on a framework, they shall not have an opaqueness of more than ten percent (10%) when viewed parallel to the third side of the sight triangle. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.

SECTION 510 COMMUNITY-BASED CARE FACILITIES.

510.010 Community-Based Care Facilities, Purpose. The intent of this section is to establish development standards for community-based care facilities and procedure for public review and approval of their location so as to:

- 1) Assure access to appropriate neighborhood environments; and
- 2) Prevent formation of de facto social service districts containing a concentration of similar facilities; and
- 3) Maintain neighborhood stability.

510.011 Location Of Community-Based Care Facilities.

- 1) A community-based care facility shall be a Conditional Use established in accordance with Section 815 of this Zoning Resolution.
- 2) A community-based care facility for the elderly, foster care of children, developmentally disabled, mentally retarded or physically handicapped approved in accordance with the requirements of this Section and Section 815, may be located in any Residential or Apartment-Residential District as listed in Section 201.01.

- 3) A community-based care facility other than those provided for in Section 510.011, 2 above, shall be located in a Residential Zoning District.

510.012 Special Conditions Required For Approval Of A Community-Based Care Facility.

In addition to the requirements of Section 815 of this Zoning Resolution, the applicant for a community-based care facility shall have the burden of demonstrating compliance with this Section 510.012.

- 1) A community-based care facility shall:
 - a) generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood in which it is located;
 - b) be architecturally compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility in the future; provided, however, that an improvement required by an applicable government code for access to or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities;
 - c) in the case of single dwelling unit, utilize no more than thirty-five percent (35%) of the net floor area of the living quarters for sleeping area and, in the case of a structure containing more than one dwelling unit, utilize no more than forty-five percent (45%) of the net floor area of the living quarters for sleeping area. In all cases, in computing the sleeping area, there shall be excluded halls, corridors, stairways, closets, and all other forms of areas not commonly used for sleeping;
 - d) in computing the net floor area of the living quarters, the applicant shall exclude the attic, garages (whether attached or detached), vestibules, porches (whether open or closed), verandahs, and any other room which is less than fifty percent (50%) above the grade;
 - e) in the case of any room designated as a "sleeping area," such room shall be provided with windows or skylights with a glass area, exclusive of mullions, not less than one-tenth of the floor area of such room and not less than six (6) square feet of the window area shall be openable. Required windows shall open on a court, yard or street either directly or through a porch with a minimum clear height of not less than 7 feet and a depth of not more than 7 feet. Such porch shall be at least fifty percent (50%) open on at least one side;
 - f) comply with the development standards applicable to all other properties in the Zoning District in which they are located;
 - g) prior to occupancy and continually thereafter be licensed or certified by a federal, state, or other appropriate governmental agency which requires screening of potential residents;
 - h) be located in a census tract where fewer than two (2) community-based care facilities are situated;
 - i) be located no closer than within two thousand five hundred (2500) feet of any other community-based care facility as measured by the shortest straight line distance between the outside walls of the living units containing the existing and the proposed community-based care facility.
 - j) be given special allowances for extra businesses on site and within the building(s), which are for the exclusive use of the residents and staff. Such businesses may include

banking services, beauty/barber services, dry cleaning services, laundromat services, medical office services, and pharmaceutical services.

510.013 Concentration Of Facilities.

1) The Board of Zoning Appeals may waive the minimum distance requirement of two thousand five hundred (2500) feet if the applicant clearly demonstrates that the proposed community-based care facility is effectively separated from an existing community-based care facility by a limited access highway, or a railroad right-of-way.

2) The Board of Zoning Appeals may allow a reduction of the required distance between community-based care facilities to not less than one thousand (1000) feet, to be measured in accordance with the requirements of Section 510.012, 1, i above, if the applicant clearly demonstrates that the proposed location has unique advantages for the education or rehabilitation of the proposed residents of the facility. These advantages may include:

a) Proximity to other social service organizations, government agencies, businesses or institutions which will provide services to the residents.

b) Convenient access to public or private transportation facilities for purposes of travel to social service organizations, government agencies, businesses or institutions which will provide services to the residents of the facility.

SECTION 511 HOME OCCUPATION.

511.010 Home Occupation Permitted. A home occupation shall be permitted within a dwelling unit provided it does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger, and the same is registered with the Zoning Inspector.

511.011 Home Occupation Defined. "Home occupation" is an accessory use of a dwelling unit for a legitimate business, profession, trade, or vocation, whether or not for profit, carried on within an enclosed dwelling by the occupants residing therein, and provided:

- 1) The occupation is registered in writing with the Zoning Inspector and is clearly incidental and secondary to the use of the dwelling for residential occupancy and does not change the residential character thereof;
- 2) No person, other than those residing on the premises, shall be engaged in such occupation;
- 3) There shall be no change in the outside appearance of the building or premises;
- 4) No home occupation shall be conducted in any accessory building or structure;
- 5) The exterior access to the space devoted to the home occupation shall not be used exclusively for such use;
- 6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family residence, or outside of

the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment and or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;

- 7) No "commercial vehicles," as that term is defined in the second paragraph of Section 531.051, shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation;
- 8) There shall be no sales of commodities, articles or any other goods unless approved in accordance with Section 511.012; and
- 9) Signs for home occupations shall be placed in accordance with Section 541.03 (8) of Article V.

511.012 Home Occupation Other than as Defined. A "home occupation" except as defined in Section 511.011, shall be allowed only upon obtaining approval in accordance with Section 815, Article VIII. The granting of such approval shall be limited to:

- 1) The conduct of the home occupation within a permitted structure accessory to the dwelling unit.
- 2) Sales of commodities, articles, or goods in conjunction with the home occupation.

SECTION 512 ACCESSORY USES AND STRUCTURES.

512.010 Accessory Uses And Structures Permitted. Accessory uses and structures shall be permitted in association with a principal use or structure provided that the area of the accessory use or structure shall be twenty-five percent (25%) or less of the gross floor area of the principal use or structure.

512.011 Accessory Use and Structure Defined. An accessory use or structure shall be defined as a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure.

512.012 Required Location in Residential Zoning District. Unless otherwise noted in Section 512.014, in a Residential Zoning District as listed in SECTION 201 of ARTICLE II, unattached accessory structures shall be located to the rear of the dwelling structure, shall be no more than twelve (12) feet in height.

512.013 Required Location in Other Zoning Districts. In any Zoning District except a Residential Zoning District, accessory uses or structures shall be on the same premises as the principal use or structure and located subject to the Development Standards of the Zoning District in which it is located.

512.014 Swimming Pools as Accessory Structures. Swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, may be allowed in any Single Family Residential Zoning District or Multi-Family Zoning District as permitted by this Zoning Resolution subject to compliance with the following regulations:

512.015 Swimming Pools in Single Family Residential Zoning Districts. In Single Family Zoning Districts, the following regulations shall apply:

- 1) The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling unit on the property on which it is located and their guests.
- 2) The swimming pool is an accessory use of the property on which it is located. It may not be located closer than twenty-five (25) feet to any property line.
- 3) The swimming pool shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than forty-two (42) inches in height and shall be maintained in good condition with a gate and lock.

512.016 Swimming Pools in Multi-Family Residential Zoning Districts. A pool that is located within and is designed to service specifically a multi-family development shall be permitted as an accessory structure irrespective of whether or not such pool is owned or operated by a homeowners association. A private pool designed to service specifically a multifamily development shall be subject to the same yard requirements as listed for principal structures in that district.

512.017 Community or Club Pools. Where permitted by an Exceptional Use Zoning District, community or club pools, to be interpreted as being used for the enjoyment of the members and families, and guests of members of the association or club under those jurisdiction the pool is operated, shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than four (4) feet in height and access to such pool shall be adequately controlled by gate and lock. The pool and all accessory structures to include decks or areas used by bathers shall not be closer than fifty (50) feet to any property line.

512.018 Towers, Antennas, Windmills, and Similar Structures. Radio and T.V. towers, antennas, satellite earth stations (dish antennas), solar collectors, and similar structures shall be permitted in association with a principal use or structure provided that the following standards are met:

- 1) All towers, antennas, windmills and similar accessory structures shall be located to the rear of the principal structure on the premises. No such accessory structure shall be permitted to encroach upon the minimum required sideyard or rear yard;
- 2) No such structure shall be permitted to exceed twenty-five (25) feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with SECTION 815 of this Zoning Resolution;
- 3) Any guy anchorage or similar device shall be at least ten (10) feet from any property line; and
- 4) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less five (5) feet (excluding lines which serve only the lot on which said structure is placed);
- 5) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest lot line less five (5) feet;
- 6) Suitable fencing and/or landscaping or other treatment is provided to effectively prevent unauthorized climbing of the structure; and

- 7) The structure or activity for which the structure is used shall not interfere with radio and television reception on nearby properties.

512.019 Plot Plan for Towers, Antennas, Windmills and Similar Structures. Prior to issuance of any Certificate of Zoning Compliance for a tower or similar structure as described in 512.018, the applicant shall submit a plot plan and supporting information to the Zoning Inspector which meets the criteria of SECTION 705.020 of this Zoning Resolution and which, in addition, shows the following:

- 1) Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lines;
- 2) Type of structure and construction materials, and, if required by the Zoning Inspector, a structural engineering analysis;
- 3) Documentation of any maintenance program which may be necessary;
- 4) Proof that a building permit can be obtained or is not necessary for the proposed structure;
- 5) Proof that any license which may be required has been or will be obtained;
- 6) All fencing, landscaping or other treatment which may be required; and
- 7) Other information as may be requested by the Zoning Inspector.

512.020 Outdoor Art. Murals, sculptures, and other outdoor works of art shall comply with the following requirements:

- 1) Required Setback;
- 2) Lighting; and
- 3) Signage.

SECTION 514 USE OF INDIVIDUAL SEWAGE TREATMENT AND INDIVIDUAL WATER SUPPLY.

514.010 Development With Individual Sewage Treatment Or Water Supply. A tract of land that was of record on the date of adoption of this Zoning Resolution shall not be developed with individual sewage treatment or individual water supply for more than fifteen (15) dwelling units or not to more than fifty percent (50%) of the area of the tract (whichever is the most restrictive) within a three-year period without the approval of the Franklin County Board of Health. Approval shall be with a finding of adequate control of water pollution and sewage disposal in accordance with the Franklin County Board of Health rules and regulations.

514.011 Required Lot Sizes. The size of lot or area provided for each dwelling unit shall be of a size or larger than as approved by the Franklin County Board of Health, but shall be not less than the minimum lot size for the Zoning District in which it is located.

SECTION 521 SCREENING BY STRUCTURE OR LANDSCAPING REQUIRED.

521.010 Screening Requirements. Certain activities shall be screened by structures, walls, fences, or landscaping so that these activities will not be detrimental to adjacent land.

521.011 Screening Standards. Required screening shall be provided in accordance with the following standards, except as provided in other sections of this Zoning Resolution:

- 1) It shall have an opaqueness of seventy-five percent (75%) or more.
- 2) If the screening is man made, it shall be at least six (6) feet but not more than ten (10) feet in height.
- 3) If screening is to be accomplished by landscaping, the landscape materials shall achieve a hundred percent (100%) opaqueness within a period of five (5) years or less.

521.012 Adjacent to Residential Zones and Planned Development. Any commercial or industrial building, parking lot or other accessory use permitted by this Zoning Resolution which is located adjacent to land in a Residential Zoning District or a Planned Residential District as listed in Section 201 of Article II, shall be screened as prescribed, unless it is separated by a street right-of-way eighty (80) feet or more in width.

521.013 Along a Public Street. The following list of activities, in addition to being screened as prescribed, shall be screened so that the activity is not visible from a public street within three hundred (300) feet of the lot on which the activity is located.

Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed useable and normal condition.

Restrictions on new builds prohibit loading docks, service entrances, or mechanical equipment to be located facing the primary road, and in accordance with the above screening guidelines, must be screened from public view.

SECTION 531 OFF-STREET PARKING, LOADING AND CUL-DE-SACS.

531.010 Off-Street Parking Space Required. Off-street parking facilities shall be provided for the use of occupants employees, and patrons of all uses, and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

Such required facilities, additional space provided, and access drives thereto, including required curb-cuts, shall be sloped and constructed to provide adequate drainage of the area, surfaced with a sealed surface pavement, and maintained in such a manner that no dust will be produced by continuous use. The design and construction of all facilities provided shall be subject to approval by the Franklin County Engineer.

531.011 Parking Space Size. A parking space for one (1) vehicle shall be rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

531.012 Location of Space. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be provided contiguous and in common to the several structures and uses served.

Churches may establish with public or commercial establishments joint parking facilities for fifty percent (50%) or less of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within three hundred (300) feet of an entrance to the church.

531.020 Minimum Number Of Parking Spaces Required. A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

531.021 Schedule of Parking Spaces. The parking space requirements for a use not specifically named herein shall be the same as required for a listed use similar in nature.

<u>Use</u>	<u>Spaces Required</u>
Residence	
Institutional Housing (unless otherwise specified)	One (1) space per five (5) occupants plus one (1) space per each two (2) employees and staff on the combined work shifts
One (1) or Two (2) Dwelling Units per Lot	Two (2) spaces per dwelling unit
Three (3) Dwelling Units per Lot	One and one-half (1-1/2) spaces per dwelling unit
Four (4) or More Dwelling Units per Lot	One and one-half (1-1/2) spaces per dwelling unit
Commerce	
Commercial Lodging	One (1) space per sleeping room
Barber Shop, Beauty Shop or Similar Personal Service	Two (2) spaces per barber or beautician
Restaurant, Bar or Similar Place for the Sale and Consumption of Food and/or Drink on the Premises	One (1) space per one hundred (100) square feet of gross floor area
All Outdoor Display and Sales	One (1) space per one thousand (1,000) square feet of display area
Indoor Sales Exclusively of Motor Vehicles, Aircraft, Watercraft, Lumber, Plants and Furniture	One (1) space per one thousand (1,000) square feet of sales area

Retail Sales or Service Establishment not Elsewhere Specified	Three (3) parking spaces per first one thousand (1,000) square feet of gross floor area per structure plus one (1) space per two hundred and fifty (250) square feet of gross floor area excluding the first one thousand (1,000) square feet of gross floor area
Funeral Parlors, Mortuaries	One (1) parking space per one hundred and fifty (150) square feet of gross floor area on the first floor of the structure devoted to this use
Administrative or Business Office	One (1) space per three hundred (300) square feet of gross floor area
Medical and Health Medical/Dental Office/Clinic	One (1) parking space per hundred fifty (150) square feet of gross floor area
Convalescent and Nursing	One (1) parking space per each two (2) beds
Hospital or Similar Medical Facility	One and one-half (1-1/2) spaces per bed
Education Day Care Centers	Two (2) parking spaces for each classroom but not less than six (6) per school or institution
Elementary Schools	One (1) space per teacher and staff member, plus one (1) parking space per student, up to five percent (5%) of the student body
High Schools	One (1) parking space per four (4) students

Business, Technical and Trade Schools	One (1) parking space per two (2) students
Colleges and Universities	One (1) parking space per two (2) students
Libraries, Museums, Art Galleries and Similar Uses	One (1) parking space per four hundred (400) square feet of gross floor area
Recreation and Religion Auditorium, Church, Stadium, or Similar Place with Fixed Seating for Assembly	One (1) space per three (3) seats
Assembly Hall, Club Room, Place of Amusement or Similar Place of Assembly	One (1) space per one hundred (100) square feet of area devoted to assembly
Tennis Court, Bowling Alley or Similar Establishment Providing Facilities for Intensive Public Participation in Sports Activity	Four (4) parking spaces per lane, court or similar activity area, plus additional parking spaces as required for supplementary uses, such as restaurant, etc.
Golf Course	Seven (7) spaces per hole plus one (1) space per two (2) employees on the combined work shifts
Miniature Golf Course	Two (2) spaces per hole plus one (1) per two (2) employees on the combined work shifts
Driving Range	Two (2) spaces per three (3) playing locations
Indoor Public Swimming Pool or Natatorium of a Public or Semi-Public Type person per thousand (1,000) gallons of pool capacity, plus one (1) for each 4 seats or thirty (30) square feet of gross floor area used for seating purposes, whichever is greater	One (1) space per five (5) persons capacity computed on the basis of one (1)
Outdoor Swimming Pool of a Public or Semi-Public Type on the basis of one (1)	One (1) space per five (5) persons capacity computed

person per five hundred (500) gallons of pool capacity, plus additional spaces as required for any supplementary uses such as restaurant, etc.

All Other Recreational Facilities

One (1) space per each three (3) patrons the establishment is designed to serve

Industry
Manufacturing, Warehousing,
Wholesaling, or Similar
Establishments

One (1) space per two (2) employees on the combined work shifts, on an annual average, plus one (1) space per ten thousand (10,000) square feet of gross building area

531.022 Computing Number of Spaces. Where two (2) or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements.

The parking spaces required shall be to the next highest whole number where a fractional space results in computation.

531.030 Minimum Number Of Loading Spaces Required. A loading space shall consist of a rectangular area of one (1) of the following classes:

Class A - An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B - An area at least twelve (12) feet by thirty (30) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

531.031 Schedule of Loading Spaces. Loading space shall be provided for retailing, wholesaling, warehousing, processing, and similar activities or uses in accordance with the following schedule:

Access or Use

Class Required

Building Area less than Seven Hundred and Fifty (750) Square Feet

None Required

Building Area more than Seven Hundred and Fifty (750) Square Feet but less than Fifteen Hundred (1500) Square Feet

One (1) Class B space required

Building Area Fifteen Hundred (1500) Square Feet but less

One (1) Class A space or (2) Class B spaces required

than Twenty-five Hundred (2500) Square Feet

Building Area Twenty-Five Hundred (2500) Square Feet but less than Ten Thousand (10,000) Square Feet

One (1) Class A space and one (1) Class B space, or three (3) Class B spaces required

Building Area Ten Thousand (10,000) Square Feet but less than Fifty Thousand (50,000) Square Feet

One (1) Class A space and three (3) Class B spaces, plus one (1) Class A space (10,000) square feet over ten thousand (10,000) square feet of building area

Building Area Fifty Thousand (50,000) Square Feet or More

One (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area, plus one (1) Class A space for each twenty-five thousand (25,000) square feet over fifty thousand (50,000) square feet of area building

531.040 Access Drives. Access drives (driveways) leading to and from a street shall be developed as follows:

531.041 Width of Drive. An access drive shall not exceed twenty-five (25) feet in width, except at curb returns.

531.042 Location of Drive. A non-residential access drive, exclusive of curb returns, shall be a minimum of twenty (20) feet or more from the side lot line except that the Zoning Inspector may limit the number, location and configuration of access drives for residential, commercial and industrial uses. Any limitation(s) imposed by the Zoning Inspector shall be based on the establishment of proper circulation, which insures maximum possible public safety in matters of ingress and egress onto public streets and roads. The Zoning Inspector may determine adequate public safety based upon recommendations from the Ohio Department of Transportation, the Franklin County Engineer or any reviewing agency when determining public safety issues in the placement of access drives.

Residential driveways shall be permitted in required yards, but shall be five (5) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.

531.050 Limitation Of Parking In Residential Zoning Districts. The provision of parking space, either open or enclosed for the parking or storage of vehicles in a Residential Zoning District or Planned Residential Zoning District as listed in SECTION 201, ARTICLE II shall be subject to the following:

531.051 Commercial Vehicles. Not more than one (1) truck limited to being a two-axle, four-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one (1) dwelling unit.

Trucks having dual tires on one (1) or more axles, or having more than two (2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed.

531.052 Recreational Vehicles, Camping Trailers or Other Trailers. Recreational vehicles, including motor homes, pop-up tents, boats, and camping trailers or other trailers, including boat, cargo,

horse or other similar trailers (none of which may exceed thirty (30) feet in length) may be parked or stored for a period not to exceed fourteen (14) days in any calendar year, except when such trailer is enclosed by structure, fence or otherwise protected so that it shall be screened and cannot be entered upon or seen from an adjacent lot or street.

531.053 Inoperable Vehicle. Not more than one (1) wrecked, or otherwise inoperable motor vehicle shall be allowed per one (1) dwelling unit. Such motor vehicle may be parked or stored only for a period not to exceed fourteen (14) days in any calendar year except when such motor vehicle shall be enclosed by structure, fence or otherwise protected so that the motor vehicle shall be screened and cannot be entered upon or seen from an adjacent lot or street.

531.060. Cul-de-Sacs. Cul-de-Sacs and other dead-end streets shall conform to the standards as required by the Washington Township Fire Department of minimum dimensions for rescue vehicles such as a fire ladder truck, a rescue truck, or other equipment designated by the Washington Township Fire Department.

SECTION 541 SIGN REGULATIONS.

PREFACE. The SIGN REGULATIONS are intended to protect the public health, safety and welfare by regulating the placement, size and general appearance of signs in order to:

1. Control the number, size and location of signs to reduce the clutter;
2. Reduce the hazards to the public that may be caused by signs overhanging public rights-of-way; and
3. Regulate signs so that they do not obstruct vision or interfere with the functions performed by drivers.

541.010 Signs; General Requirements In All Zoning Districts. The following general requirements shall apply to signs in all zoning districts and are in addition to other specific requirements enumerated in following sections:

1. No illuminated sign or lighting device used in conjunction with a sign shall be placed or directed so as to permit the illumination therefrom to be directly beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause direct glare or reflection that may constitute a hazard to public safety or create a nuisance;
2. Where applicable, all wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the state and local electrical codes in effect.
3. Flashing lights, banners, posters, pennants, strings of lights, ribbons, streamers, or other similar moving devices shall not be used for advertising or attracting attention, either independently or as part of a sign;
4. Temporary banners, inflatables, flags or pennants, animated signs, signs mounted on roofs or signs made part of the roof by spelling out the words with different color shingles, search lights, bench signs, street address signs shall not be used

5. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
6. All signs hung and erected shall be plainly marked with the name of the person, firm, corporation, or group responsible for maintaining the sign;
7. All signs shall be kept in a secure, safe condition. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign or billboard in a safe and secure condition or remove the sign;
8. No signs shall be mounted within any public right-of-way except by the government agencies having jurisdiction within that right-of-way, unless otherwise allowed by the provisions of the Zoning Resolution;
9. No signs or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State, by Franklin County, or by any township or municipality, or by any railroad, public utility or similar authorized agency concerned with the protection of public health or safety;
10. No sign shall be painted or attached to, or maintained on a utility pole, rock, tree or other form of vegetation;
11. Signs shall be erected and maintained only as accessory uses and/or structures to the principal use of a building or land. Whenever a principal use of a building or land changes, all signs which are accessory to the principal use shall be removed within 90 days, unless a new principal use of a building or land is established and the sign(s) can be adapted to the new principal use in a manner permitted by this Zoning Resolution.
12. No sign shall obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of vehicles or the safety of pedestrians.
13. For purposes of these regulations, portable signs, including trailer signs or "rollaway" signs, "A-frame" signs and air activated attractions and devices shall not be permitted.
14. When conflict arises between the sign requirements of this Zoning Resolution and those of the State (Ohio Revised Code Chapter 5516) regarding the placement of signs adjacent to state highways, the more restrictive regulation shall govern.

541.020 Size Of Signs. Except as otherwise specified in the regulations which follow, no signs shall be displayed in the Township which have a surface area in excess of eight (8) square feet per display surface. No signs shall have in excess of two display surfaces.

541.030 Special Limitations On Signs. The erection and maintenance of signs shall be permitted for the purposes listed below in accordance with the following provisions:

1. Free-standing Signs.
 - a. Except as otherwise provided, any building housing one or more activities may display one free-standing sign, provided the following additional provisions are met.

- 1) The building has off-street parking on the premises.
- 2) The sign and its supporting structure are set back at least fifteen (15) feet from the existing adjacent highway right-of-way.
- 3) The building does not display a projecting sign.
- 4) The height of the free-standing sign shall be measured from the established grade of the property.
- 5) No additional sign shall be attached to any part of a free-standing sign other than on the display surfaces originally constructed as part of such sign. Attach-on signs, such as credit card decals and symbols of nationally known products, must be included within the original display surfaces; otherwise, attach-on signs are prohibited.
- 6) In areas where the existing building locations or other permanent obstructions prevent free-standing signs or projecting signs from being seen by passing motorists when erected in accordance with the provisions of this section, a free-standing sign not to exceed thirty (30) inches in height may be located to within fifteen (15) feet of the curb line or edge of pavement; however, in no case shall the free-standing sign be located within an existing right-of-way.
- 7) A Certificate of Zoning Compliance shall be obtained for each free-standing sign in accordance with the provisions of Section 705.020.
- 8) If a free-standing sign consists of more than one section or module per facing, the area of each individual graphic component shall be added together and shall not exceed the permitted sign area for that particular location.

b. Exceptions to Setback Requirement for Free-Standing Signs.

2. Wall Signs. Except as otherwise provided by this Section, any activity may display one wall sign for each wall of the building which faces a public street, providing the additional requirements are met:

- a. The allowable area of a wall sign permitted by Section 541.020 shall be that of the advertising area of individual letters and symbols when they are attached directly to the building, thereby utilizing the building wall as the background. Where the sign incorporates its own background, the allowable area of the sign shall be computed by using the background.
- b. A wall sign may be attached flat to or be pinned away from the wall of a building, but such sign shall not project from the wall by more than twelve (12) inches.
- c. A wall sign may be located in the plane of, but below the fronting wall of a building.

- d. A wall sign may be located at the front edge of a canopy or marquee, providing the following additional conditions are met:
 - 1) The structural support for the sign must be enclosed to form a background to the message, and the sides of the support shall be concealed or made to appear as a continuation of the sign.
 - 2) Such sign shall not project beyond the horizontal or vertical dimensions of the wall with which it is associated.
 - 3) Such sign shall be no taller than any adjacent sign nor shorter than any adjacent sign.
 - 4) A canopy must have additional loading capacity designed and adequate to support a sign.
 - e. A wall sign may not interrupt major architectural features including but not limited to windows and doors.
 - f. A wall sign placed in the horizontal space between windows shall not exceed in height more than two-thirds of the distance between the top of a window and the sill of the window above, or major architectural details related thereto.
 - g. A wall sign shall not extend beyond the perimeter of the wall or facia to which it is attached.
 - h. In addition to the above provisions, one wall sign may be displayed on the side or rear of a building adjacent to the off-street parking area provided for that building for the purpose of instructing customers of parking procedures, provided, however, that the sign does not exceed eight (8) square feet in size. The sign may be illuminated during the hours of operation of the activity.
 - i. A sign attached to the side wall of a building other than those permitted above, but oriented to a street on which the building faces, may be displayed in lieu of the permitted projecting graphic on the front wall, but it shall be counted as part of the total wall sign allotment associated with the building front.
 - j. Window signs will not be regulated provided that the building is at least one hundred (100) feet behind the right-of-way line. For buildings within the 100-foot setback, window signs, both permanent and temporary, shall not occupy more than twenty percent (20%) of any window. Permanent window signs shall be counted as part of the total allowable sign area.
 - k. A Certificate of Zoning Compliance shall be obtained for each wall sign in accordance with the provisions of Section 705.02.
3. Projecting Signs. Except as otherwise provided by this Section, any building housing one or more activity may display one projecting sign on each street frontage in accordance with the Tables of Elements, provided the following additional requirements are met.

- a. The building does not display a free-standing sign.
 - b. Projecting signs must clear the established grade of the property by at least seven and one-half (7 1/2) feet.
 - c. Projecting signs shall not extend above the wall or fascia to which they are attached, except that free-standing signs treated as projecting signs shall not exceed twenty (20) feet in height.
 - d. A wall sign permitted by Section 541.03, 2 is not used.
 - e. A Certificate of Zoning Compliance shall be obtained for each projecting sign in accordance with the provisions of Section 705.020.
4. Development Area Identification Signs. A Development Area Identification sign shall be permitted for residential subdivisions, multi-family residential complexes, shopping centers or institutions in accordance with the following:
- a. A Development Area Identification sign shall be permitted adjacent to arterial streets as defined by the Franklin County Thoroughfare Plan at major access points to the subdivision, complex, shopping center or institution.
 - b. A Development Area Identification sign shall not be located within fifteen (15) feet of the public right-of-way of the arterial street abutting the Development Area.
 - c. A Development Area Identification sign shall not be located within eight (8) feet from the pavement or curb of any internal street or private drive within the Development Area. In no case shall a Development Area Identification Sign be located within a public right-of-way.
 - d. The message shall be limited to the name, logo and street address of the complex.
 - e. A Certificate of Zoning Compliance shall be obtained for each development area sign in accordance with the provisions of Section 705.020.
 - f. The sight triangle required by Section 504.020 shall be maintained.
5. Directional and Informational Signs. Directional signs conveying only directions or instruction with respect to the premises on which it is located may be constructed on the premises. Directional signs shall be limited to eight (8) square feet in area. A Certificate of Zoning Compliance must be obtained for each directional and informational sign, in accordance with the provisions of Section 705.02.
6. Bulletin Boards. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies may be erected on the premises of such institutions in any zoning district, provided that:
- a. Their maximum area shall not exceed fifteen (15) square feet.

- b. A Certificate of Zoning Compliance must be obtained for each bulletin board in accordance with the requirements of Section 705.02.
- 7. Home Occupations. One (1) sign shall be permitted for a home occupation in compliance with Sections 511.01 and 511.011. Such sign must be flatly affixed against the surface of the dwelling, it may be indirectly illuminated by reflected light or back light. The intensity of illumination shall be limited or shielded to prevent demonstrable adverse effects on adjacent property.
 - a. The maximum permitted area is three (3) square feet.
 - b. A Certificate of Zoning Compliance shall be required.
- 8. Conditional Uses. Signs for conditional uses shall be indicated on the Development Plan, submitted in accordance with Section 815.022, and shall be constructed and maintained in accordance with these regulations.
- 9. Signs in Planned Development Areas. Signs in a Planned Development Zoning District shall be constructed and maintained in accordance with these regulations and with the plans, guidelines, and concepts established for signs approved as a part of the Development Plan.
- 10. Temporary Signs in Non-Residential Zoning Districts. One (1) temporary sign may be erected in any office, commercial or industrial zoning district to announce special public or institutional events, or the erection, sale, leasing or remodeling of a building or development.
 - a. A temporary sign may be erected for a period of 60 days, plus the construction period, if applicable.
 - b. No temporary sign shall be located closer than twenty (20) feet to the pavement of any public street. No temporary sign shall be located within a public right-of-way.
 - c. A Certificate of Zoning Compliance must be obtained prior to construction of a temporary sign, as required by Section 705.02.
- 11. Temporary Signs in Residential Zoning Districts. Signs announcing the sale or lease of a building or the construction or remodeling of a building may be erected in the Residential Zoning Districts, provided that:
 - a. Such sign shall not be illuminated.
 - b. The maximum area of signs advertising a sale or lease of a building must not exceed eight (8) square feet.
 - c. No Certificate of Zoning Compliance shall be required for signs advertising the sale, lease or rent of a building.
- 12. Political Graphics. Political signs for candidates and issues on the ballot may be erected no sooner than sixty (60) days before the date of an election and may remain in place no

later than seven (7) days after the date of the election. Political graphics shall conform to the following requirements:

- a. In residential zoning districts, the maximum permitted area of political signs is eight (8) square feet; and
- b. No political graphic shall be located closer than ten (10) feet to the pavement of any public street. No political sign shall be located within a public road right-of-way.
- c. No Certificate of Zoning Compliance shall be required for political signs.

SECTION 542 DROP-OFF BOXES

542.010 Purpose. The purpose of these requirements is to promote public recycling and charitable contributions without the facility becoming hazardous or a public nuisance.

542.011 Definition of Drop-Off Boxes. A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection boxes or dumpsters.

542.012 Drop-Off Box Standards. Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- a) One drop-off box may be located in any yard area, but shall not be located in any area that is required to be landscaped.
- b) Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in conformance with Section 531 Off-Street Parking, Loading and Cul-de-Sacs.
- c) Drop-off boxes must either be enclosed per the requirements of Section 521 Screening by Structure or Landscaping Required or kept in a clean, new appearing condition. Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
- d) If two or three drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure in conformance with Section 521 Screening by Structure or Landscaping Required. The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three boxes may be kept on a single site.
- e) Each drop-off box shall be limited in size to 10 cubic yards and shall have a lid.
- f) Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas and are subject to the provisions of Section 551.028 Trash.

SECTION 551 PUBLIC NUISANCE REGULATIONS.

551.010 Prevention of Nuisance. Every structure or use subject to the provisions of this Zoning Resolution shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.

551.020 Required Limits. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this Zoning Resolution.

551.021 Noise or Vibration. No use shall cause objectionable volume, frequency, intermittence, beat, shrillness, or vibration to permeate beyond the property boundaries, except in the case of public sirens and related apparatus used solely for public purposes. No use shall cause vibrations detectable to humans without the use of instruments beyond the property lines.

551.022 Air Pollution. No visible smoke, dust or other particulate emissions, excluding steam, shall be permitted, excepting those produced from fossil fuel, wood-burning stoves, fireplaces, furnaces or similar systems so long as such systems are primarily used for heating or cooking purposes and are not used in connection with the manufacture of goods or other commercial activity.

551.023 Odor or Fumes. Odor or noxious fumes shall be so controlled so they are not offensive or hazardous. No use shall emit across property lines any gas or matter with a noxious odor.

551.024 Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment, including radio or television, at any point other than that located at the source of such activity.

551.025 Lighting and Glare. No direct or reflected glare from processing, lighting or other activities shall be perceptible beyond the property lines of the lot or property on which such glare or heat is produced.

551.026 Toxic and Hazardous Substances. No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable state and federal environmental protection regulations and the express written approval of the Fire Chief of the Washington Township Fire Department is obtained.

551.027 Fire Hazards and Explosives. There shall be no storage, utilization or manufacture of detonable materials or intense burning materials unless the express prior written approval of the Fire Chief of the Washington Township Fire Department is obtained. The Fire Chief shall have the authority to specify the location, quantity, methods of storage and methods of utilization, and otherwise exert other controls which are necessary to protect the health and safety of the residents of the Township.

551.028 Trash. The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial by-products, brush and other similar materials shall not be visible from any property line on which such materials are being stored or otherwise placed. For purposes hereof, dilapidated and structurally unsound outbuildings, and the like shall be considered to be trash or waste material. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards.

551.029 Use of Groundwater, etc. No groundwater or water from any other source shall be used for geothermal heating or cooling if the same is to be discharged into a storm sewer, onto the surface of the ground, or into a drainage ditch. Such water may be used if it is returned to the ground, is used in a closed system, or is discharged directly into the streambed or pond or lake from which it was drawn.

No waste materials such as garbage, rubbish, trash, construction materials, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quality obnoxiousness, toxicity that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would likely runoff, seep, or wash into surface or groundwater.

551.030 Storm water. No use shall permit construction, or otherwise, to block the natural flow of storm water which results in free standing storm water on adjacent properties.

SECTION 552 LANDSCAPING REQUIREMENTS.

552.010 Intent. The intent of these requirements is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between noncompatible land uses; and to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

552.011 Purpose. The purpose of these requirements is to specifically promote the preservation and replacement of trees and significant vegetation removed in the process of land development, and to promote the proper utilization of landscaping as ease between land uses to minimize the opportunities of nuisances.

552.012 Site Affected. New Sites - No Certificate of Zoning Compliance or Building Permit shall be issued hereafter for any site development or the construction or improvement of any building, structure, or vehicular use except where landscaping for such development, construction or improvement shall have been approved as required by the provisions of the Zoning Resolution. Single family uses shall be exempt.

552.013 Where Landscape Materials Required. This section describes the minimum requirements that shall be met in regard to perimeter landscaping for noncompatible land use areas, landscaping for service areas, and interior landscaping for businesses, buildings, structures or other new developments of the land.

- 1) Perimeter Landscaping Requirements - Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter and seventy (70) percent summer opaqueness, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within three (3) years after installation.
- 2) Building Permit - Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted to and approved by the Zoning Inspector.
- 3) Posting of Bond or Irrevocable Letter of Credit -After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping

plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. A one (1) month extension of the planting period may be granted by the Zoning Inspector upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

- 4) Landscape Buffer Zone Conflicts - The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than 2-1/2 feet, and wheel stops or curbs will be required.
- 5) Interior Landscaping for Vehicular Use Areas - Any open vehicular use area (excluding loading, unloading, and storage areas in an industrial zone, or business zone) containing more than six thousand (6,000) sq. ft. of area, or twenty or more vehicular parking spaces shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.
 - a) Landscape Area - for each one hundred (100) sq. ft., or fraction thereof, of vehicular use area, a minimum total of five (5) sq. ft. of landscaped area shall be provided.
 - (1) Minimum Area - The minimum landscape area permitted shall be sixty-four (64) sq. ft., with a four (4) foot minimum dimension to all trees from edge of pavement where vehicles overhang.
 - (2) Maximum Contiguous Area - In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than three hundred fifty (350) sq. ft. in size, and no individual area shall be larger than fifteen hundred (1,500) sq. ft. in vehicular use areas over thirty thousand (30,000) sq. ft. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
 - b) Minimum Trees - The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
 - (1) A minimum of one (1) tree per five thousand (5,000) sq. ft. of ground coverage and a total tree planting equal to one inch (1") in tree trunk size for every two thousand (2,000) sq. ft. of ground coverage.
 - (2) Trees shall have a clear trunk of at least five (5) feet above the ground, and the remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

- (3) Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and one half (2-1/2) feet, as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area. (Exhibit C)
- 6) Landscaping for Service Structures - Any service structure (accessory use) shall be screened. Structures may be grouped together; however, screening height requirements will be based upon the tallest of the structures.
 - (a) Location of Screening - A continuous (having 100% opaqueness) planting, hedge, fence, wall, mound 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 (1) side is required. The average height of the screening material shall be three (3) feet more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height.

552.014 Landscape Materials. The landscaping materials shall consist of the following, and as described in detail in the Plant List for Township which may be obtained from the Zoning Inspector.

The proposed landscape materials should complement the form of the existing trees and plantings, as well as the general design and architecture of the proposed development.

- 1) Stone Fencing - For any proposed new building, residential or otherwise, where stone fencing exists, said stone fencing shall be retained and improved as part of the approved landscaping.
- 2) Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound, and shall not be considered as fulfilling any screening requirement.
- 3) Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
 - a) Quality - Plant materials used in conformance with provision of these requirements shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
 - b) Deciduous Trees - (Trees which normally shed their leaves in the Fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having a trunk which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirement will control.
 - c) Prohibited Trees - Shall be those listed on the Plant List for Township.
 - d) Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half inches (1-1/2") immediately after planting.

- c) Shrubs and Hedges - Shall be at least three (3) feet in height when planted and shall conform to the opacity and other requirements within three (3) years after planting.
 - f) Vines - Shall be at least fifteen inches (15") high at planting, and are generally used in conjunction with walls or fences.
 - g) Grass or Ground Cover - Grass (of fescue, 'Gramineak', or bluegrass, 'Poaceae' family) shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion. In such areas solid sod, erosion reducing net, or suitable mulch shall be used, nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground Cover shall be planted in such a manner as to present a finished appearance and 75% of complete coverage after one (1) complete growing season. Plantings to be maximum of eight inches (8") on center. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials as approved by the Zoning Inspector.
- 4) Maintenance and Installation - All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted good construction and planting procedures. The owner of the property shall be solely responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting season, whichever comes first. Any defective landscape material shall be replaced or repaired within three (3) months.

552.015 Definitions. For the purpose of these requirements, certain terms are herewith defined so as to ensure uniform interpretation of the text.

Accessory Use or Service Structure - A use or structure which is subordinate to the principal use or building and serving a purpose customarily incidental thereto.

Landscape Buffer Zone - That area adjacent to any vehicular use area and/or along common boundaries in which the perimeter landscape requirements are to be met.

Interior Landscape - The use of landscape materials within the innermost boundaries of the landscape buffer zone and perimeter landscaping.

Parking Area, Parking Structure - An off-street area or structure for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard, or public right-of-way.

Parking Lot, Parking Structure - An off-street area or structure, other than the parking or loading spaces or areas required or permitted under this Zoning Resolution, for the parking of automobiles, and available to the public customarily for a fee.

Perimeter Landscaping - The use of landscape materials within the landscape buffer zone to achieve the required opaqueness.

Service Structures - See Accessory Use.

Vehicular Use Area - Any area used by vehicles.

SECTION 553 PORTABLE STRUCTURES AND TEMPORARY USES.

553.010 Purpose. Regulation of portable structures such as temporary construction trailers, temporary use trailers and portable classrooms is intended to provide for unusual circumstances or the short term needs of the residents of Washington Township, to preserve the quality of life in residential areas and to provide a review process that maximizes the safety and aesthetic appeal of the portable structures and temporary uses and minimizes the duration and intrusion of such structures and uses.

553.011 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a) Construction Trailer - a temporary building or structure used as a construction office for a project located on the same site during its construction.

b) Portable Classroom - a manufactured structure not permanently attached to the ground, used on a temporary basis in conjunction with a permanent structure to provide educational services.

c) Portable Nonresidential Structures - a building(s) or similar structure(s) designed for occupation which is not placed on a permanent foundation. The definition shall include Construction Trailers, Portable Classrooms, Tents, Trailers and any other uses which may be proposed for such structures.

553.012. Permit Process. A certificate of zoning compliance shall be issued to the owner of the property by the zoning inspector after approval of a special permit by the Board of Zoning Appeals for any portable nonresidential structure. The Board of Zoning Appeals shall approve, disapprove or approve with conditions a special permit, based on a site plan and a narrative outlining the scope of use to be submitted by the applicant and owner of record of the property according to the rules of the board of zoning appeals. In making its decision upon the special permit application, the Board of Zoning Appeals shall consider that the proposed structure be:

- 1) permitted in any zoning district provided the use of the structure is a permitted use in the zoning district;
- 2) located on the site so as to provide safe access to the structure, be served by adequate parking and have adequate drainage;
- 3) screened from view and sensitively located and to show adherence to the standards of the community;
- 4) detailed in a dimensioned site plan to include a complete structure elevation, landscape plan and site lighting;
- 5) proposed for a limited period of time not to exceed ninety (90) days. The duration of the proposed special permit shall be specified by the applicant and approved by the board of zoning appeals. The special permit may be renewed once in a twelve (12) month period.

The zoning inspector shall base a decision on any extension request on the same criteria as the initial special permit.

- 6) detailed in a narrative noting the specific use proposed and the scope of the intended use; and
- 7) proposed in compliance with development standards with respect to parking and landscaping.

553.013 EXEMPTIONS.

a) Construction Trailers in Nonresidential Zoning Districts - Construction Trailers are not subject to a special permit review by the Board of Zoning Appeals and are permitted in Nonresidential Zoning Districts provided:

- 1) the location and footprint of the construction trailer is noted on the construction plans submitted and approved for the certificate of zoning compliance for the project;
- 2) the Construction Trailer is used in conjunction with an approved construction project only during actual construction work; and
- 3) the Construction Trailer is removed from the construction site upon completion of actual construction work or when construction has been discontinued for a period of 30 days or more.

b) Construction Trailers in Residential Zoning Districts - Construction Trailers are not subject to a special permit review by the Board of Zoning Appeals and are permitted in Residential Zoning Districts provided: a site plan approval is issued by the zoning inspector to show agreement between Washington Township and the residential developer as to the location of the construction trailer, and the installation of landscape screening in order to improve the visual appearance of the site if the trailer is not screened by existing natural vegetation.

c) Tents In Nonresidential Zoning Districts - Tents are not subject to a special permit review by the Board of Zoning Appeals and are permitted in Nonresidential Zoning Districts and nonresidential planned districts provided:

- 1) a site plan approval is issued by the zoning inspector;
- 2) the use for which the Tent is proposed is a temporary accessory use to a permitted principal use on the same site; and
- 3) the tent is approved by the Washington Township Fire Department.

d) Tents in Residential Zoning Districts - Tents are not subject to a special permit review by the Board of Zoning Appeals and are permitted in Residential Zoning Districts and Residential Planned Districts provided:

- 1) the tent is used as an accessory use to the residential use of the premises for such event as wedding receptions or private parties; or

- 2) the tent is an accessory to a bona fide special event sanctioned or permitted by Washington Township, and
- 3) the tent is approved by the fire department.

e) Seasonal Business - Portable Temporary Buildings and Trailers used in association with a seasonal business are exempt from special permit requirements.

SECTION 554 CELLULAR AND OTHER COMMUNICATION TOWERS.

554.010 Definitions.

a) "Development Plan, Final" shall mean a plan for the specific development and specific use of a parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, all landscaped/streetscaped areas to be erected and maintained thereon, and other specifications, conditions and limitations as provided in this zoning resolution; and further explained by such specifications, conditions, and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the resolution incorporating the development plan as an integral part of the zoning regulations applicable to real estate.

b) "Cellular Communication Services" - personal communications accessed by means of cellular equipment and services.

c) "Telecommunications Antenna" - any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

d) "Telecommunications Site" - a tract, lot or parcel of land that contains the telecommunications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to telecommunications transmission.

e) "Telecommunications Support Structure" - any building or structure, including guy wire anchors, accessory to but necessary for the proper functioning of the telecommunications antenna or tower.

f) "Telecommunications Tower" - any freestanding structure or any structure to be attached to a building or other structure as defined in Section 519.211(b), the Ohio Revised Code.

g) "Telecommunications Tower, Height Of" - the height from the base of the structure, at grade, to its top, including any antenna located thereon. grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

h) "Micro Antennas" - any telecommunications antennas which consist solely of the antenna and which do not have any supporting structures other than brackets. micro antennas shall be equal to or less than five (5) feet in height and have an area of not more than five hundred eighty (580) square inches.

i) "Personal Wireless Services" - commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

554.011 Development Standards. The construction, location, erection, reconstruction, alteration, change, use, or enlargement of a telecommunications tower, upon application and compliance with Section 519.211, Ohio Revised Code, and this Resolution, if the Board of Zoning Appeals finds that the applicant has satisfied all of the following standards:

1. Use Regulations

The following use regulations shall apply to telecommunications antennas, towers, and support structures permitted to be regulated pursuant to Section 519.211, Ohio Revised Code, and determined to be either located in an area zoned for residential use or not a public utility:

a) A telecommunications site may be permitted in all zoning districts subject to the requirements set forth herein.

b) If the proposed user is determined to not be a public utility, the telecommunications sites in any area which is not zoned for residential use shall not be located any closer to any area zoned for residential use than as follows:

- (1) Telecommunications towers less than one hundred (100) feet in height shall be located no closer than five hundred (500) feet to any area zoned for residential use; and
- (2) Telecommunications towers exceeding one hundred (100) feet in height shall be located no closer to any area zoned for residential use than a distance equal to five hundred (500) feet plus one (1) foot for each foot of height that the tower exceeds one hundred (100) feet.

c) If a telecommunications company proposes to place the telecommunications tower or antenna in an area zoned for residential use, the applicant must establish that:

- (1) The lot size of the proposed telecommunications site is no less than the minimum square foot area requirements of the zoning district within which it is located and a minimum of two hundred (200) feet from every property line; and
- (2) The proposed telecommunications tower will have a minimum setback of two hundred (200) feet from the base of the tower or any guy wire anchors to the property line. however, if one or more of the property lines of the proposed site abuts an area not zoned for residential use, the minimal setback from the property line which abuts the area not zoned for residential use shall be determined in accordance with subsection 2(g) of this section.

d) Micro antennas not exceeding five (5) feet in height may be placed on any existing conforming buildings in any zoning district.

e) Except for buildings, fences and parking areas essential to the operation of a particular telecommunications towers, all other uses accessory to the telecommunications antenna and tower including, but not limited to, business offices, maintenance depots, and materials and general vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the telecommunications antenna and/or tower is located.

2. Standards of Approval for Telecommunications Antennas and Towers in Regulated Areas

The following standards shall apply to all telecommunications antennas and towers which are proposed for construction in a regulated area:

a) The telecommunications company shall demonstrate, using the latest technological evidence, why the telecommunications antenna or tower must be placed in a proposed location in order to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location which would probably also permit the telecommunications antenna to function properly in the company's grid system. This area shall be considered the allowable zone.

b) If the telecommunications company proposes to build a telecommunications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within the allowable zone, asked for permission to install the telecommunications antenna on those structures, and was denied for either non-economic reasons or that a clearly unreasonable economic demand was made, by the property owner, based on prevailing market values. "Tall Structures" shall include, but not be limited to: smoke stacks, water towers, buildings over thirty-five (35) feet in height, antenna support structures or other telecommunications towers even if owned by other telecommunications companies.

c) The applicant must demonstrate that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering" of telecommunications towers within the regulated area.

d) The Board of Zoning Appeals may deny the application to construct a new telecommunications tower in a regulated area if the applicant has not made a good faith effort to mount the telecommunications antenna on existing structures.

e) An applicant must demonstrate that technically suitable and feasible sites are not available in an area not zoned for residential use and that the site is located in the least restrictive district that includes a technically suitable and feasible site.

f) Telecommunications antenna/tower height.

The applicant shall demonstrate that the telecommunications antenna/tower is the minimum height required to function satisfactorily and to accommodate the co-location requirements as set out in Subsection 2(j) of this Section. No telecommunications antenna that is taller than the minimum required height shall be approved. Telecommunications towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

g) Setbacks from the base of the telecommunications tower in areas not zoned for residential use.

(1) if a new telecommunications tower which is not a public utility is to be constructed in an area not zoned for residential use, the minimum distance between the base of the telecommunications tower or any guy wire anchors and any property line which abuts a zoning district other than a district which permits residential use shall be no closer than the greater of the following:

(a) forty (40%) percent of the tower height; or

- (b) the minimum setback in the underlying zoning district; or
- (c) fifty (50) feet.

(2) If a new telecommunications tower is to be constructed in an area not zoned for residential use, the minimum distance between the base of the telecommunications tower or any guy wire anchors and any property line which abuts a zoning district which permits residential use shall be no closer than the distance permitted in Subsection 1(b) of this section.

- h) Telecommunications tower safety.

All telecommunications towers shall be fitted with anti-climbing devices as approved by the manufacturers. Furthermore, the applicant shall demonstrate that the proposed telecommunications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if the specific safety issue in question is determined to be regulated by either Federal Communications Commission (FCC) regulations or applicable building code regulations, and the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.

Subsequent to the installation of a telecommunications tower, if it is determined by the Board of Township Trustees, upon presentation of proper and sufficient documentation and after a public hearing, that the operation of a telecommunications tower is inherently dangerous or is a demonstrable health hazard, the telecommunications tower shall be declared to be a nuisance and all operation shall cease. The telecommunications tower or antenna shall also be removed as provided under Subsection 3 of this section. However, no order of removal shall be made if it is inconsistent with applicable FCC regulations.

- i) Screening.

For reasons of aesthetics and public safety, telecommunications facilities shall be effectively screened on each side. Screening shall consist of a solid masonry wall or solid fence, not less than four (4) nor more than six (6) feet in height, a tight screen of hardy evergreen shrubbery, or natural or existing screening not less than four (4) feet in height. The use of razor or barbed wire is prohibited. Screening walls and fences shall be located not less than thirty (30) feet from each property line. Spaces between any screening device and adjacent property lines shall be buffered by use of landscape plant materials including, but not limited to, grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

- j) Limiting the number of telecommunications towers.

In order to reduce the number of telecommunications antenna support structures needed in Washington Township in the future, the owner of an existing telecommunications tower shall not unreasonably deny a request to accommodate other uses, including other telecommunications companies, and the telecommunications antenna of local police, fire, and ambulance departments. The owner of an existing telecommunications tower may request reasonable compensation for the use of the telecommunications tower.

For the purposes of encouraging co-location of cellular or wireless antenna and other uses, telecommunications towers shall be designed, engineered, and constructed as follows:

(1) Towers less than seventy-five (75) feet in height shall be designed, engineered and constructed to support telecommunications antennas installed by one or more telecommunications service users; and

(2) towers more than seventy-five (75) feet in height but less than one hundred fifty (150) feet shall be designed, engineered and constructed to support telecommunications antennas installed by two (2) or more wireless communication service users; and

(3) Towers one hundred fifty (150) feet in height or taller shall be designed, engineered and constructed to support telecommunications antennas installed by three (3) or more telecommunications service users.

As used in paragraphs 1, 2, and 3 above, the term "Users" shall include the telecommunications antennas of police, fire and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the telecommunications tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the telecommunications tower.

k) Licensing.

The telecommunications company must demonstrate to the township that it is licensed by the FCC. No approval will be granted to any applicant unless proof of current FCC license for the proposed use of the telecommunications tower is provided.

The owner of the telecommunications tower must also annually provide to the township on January 1 of each year, a list of all users of the telecommunications tower and each user shall provide the township with a copy of each users' license with the FCC.

l) Required Parking.

If the telecommunications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in this zoning resolution.

m) Appearance.

Telecommunications towers under two hundred (200) feet in height shall be painted silver or have a galvanized finish retained, or be finished with a neutral color matching its background in order to reduce visual impact. The applicant shall demonstrate that the proposed telecommunications tower is the least aesthetically intrusive facility for the neighborhood and function. It is further recommended that all buildings and structures be architecturally compatible with the architecture of the adjacent buildings and structures. Telecommunications towers shall meet all Federal Aviation Administration (FAA) regulations. No telecommunications towers may be artificially lighted except when required by the FAA. Furthermore, no telecommunications tower or antenna and accessory buildings and structures shall contain any signage. All utility lines serving the telecommunications towers shall be underground, unless there is a demonstrated safety hazard created by underground installation.

n) Site plan required.

A full site plan shall be required for all proposed telecommunications sites, except telecommunications antennas to be placed on existing structures, at a reasonable scale, but not smaller than 1 inch to 100 feet (1"=100'), indicating, as a minimum, the following:

- (1) The total area of the site; and
- (2) The existing zoning of the property in question and of all adjacent properties; and
- (3) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned; and
- (4) Existing topography with a maximum of five (5) foot contour intervals; and
- (5) The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals; and
- (6) The location of all existing buildings and structures and the proposed location of the telecommunications tower and all telecommunications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings; and
- (7) The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility; and
- (8) All existing and proposed sidewalks and open areas on the site; and
- (9) The location of all proposed fences, screening and walls; and
- (10) The location of all existing and proposed streets; and
- (11) All existing and proposed utilities including types and grades; and
- (12) The schedule of any phasing of the project; and
- (13) Documentation which shows all buildings and structures on adjacent lots and any additional lot which has a lot line within five hundred (500) feet of the lot on which the telecommunications tower is proposed to be located. The approximate elevation of the highest point of each building or structure shall be noted. Applicant may identify any additional features in the area (such as existing screening, fences and topography) which may be helpful in considering the impact of the proposed telecommunications tower on nearby property; and
- (14) Any other information as may be required to determine conformance with the Washington Township Zoning Resolution.

For telecommunications antennas to be placed on an existing structure, the applicant shall submit such information as required by the zoning inspector to ensure compliance with the applicable provisions of this section.

3. Maintenance

Any owner of property used as a telecommunications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any owner of a telecommunications tower that has determined to cease operation, discontinue service or transfer ownership shall be required to give written notification to the zoning inspector of such intent not less than thirty (30) days prior to its cessation of business, discontinuance of service or transfer of ownership. Facilities shall be removed from the site within six (6) months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunications companies subject to the issuance of a Zoning Certificate from the Board of Zoning Appeals.

"Discontinued" shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

Any telecommunications tower removed from its service for a period of six (6) continuous months or more and that has not been removed is hereby determined to be a nuisance.

Whenever, upon inspection, it shall appear that a telecommunications tower has been abandoned or its use discontinued, the zoning inspector or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed. If the telecommunications tower is not removed after appropriate notification, the zoning inspector may take appropriate steps to have the tower and facilities removed and recover costs of such removal jointly and severally from the property owner and communications company.

4. Miscellaneous

a) No telecommunications tower shall be permitted on any lot on which any non-conforming building or structure is located nor upon which any nonconforming use or activity is occurring without first obtaining a variance from the board of zoning appeals.

b) No telecommunications tower shall be constructed, replaced, or altered without first obtaining the applicable building permit.

c) Proof shall be provided by the applicant in a form satisfactory to the board that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements of the Ohio Department of Transportation, the FAA, the FCC, or the successors to their respective functions.

d) Any special Zoning Certificate issued under this section shall be revocable and may be revoked after notice and hearing if any continuing condition of the Zoning Certificate has been violated and is not remedied within thirty (30) days of written notice from the zoning inspector.

e) If it is determined that any provision of this resolution is inconsistent with Section 519.211, Ohio Revised Code, then the resolution shall be interpreted and applied in a manner most consistent therewith.

SECTION 555 SMALL WIND PROJECTS

555.010 Small Wind Projects less than 5MW. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or anemometer or any parts thereof, shall be a Conditional Use in all non-residential districts. Wind Projects are prohibited in all

other Zoning Districts.

555.011 Development Standards for all Small Wind Projects.

- a) Height: The maximum height of any turbine shall not exceed 125 ft. For purposes of this Zoning Resolution, maximum height shall be considered as the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring from length of a propeller at maximum vertical rotation to the base of the tower.
- b) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the height of the tower, or established "clear fall zone" from all principal structures, above-ground utility lines, road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- c) Maintenance: Wind turbines must be maintained in good working order. The owner shall, within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused tower wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months shall be removed by the owner within 30 days of issuance of a notice of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- d) Decibel Levels: Decibel levels shall not exceed those provided by the manufacturer.
- e) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes.
- f) Warning Signs: Appropriate warning signs to address voltage shall be posted.
- g) Fencing: Security fencing shall be provided to prevent uncontrolled access to the wind turbine and related accessory structures.
- h) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable building permits.
- i) Ownership: Where the wind turbine and related accessory structures are located on property which is not owned by the wind turbine operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property.

555.012 Conditional Use Application Requirements.

- a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:

- i) A site plan containing the proposed location, type, total size and height of the wind turbine and related accessory structures.
 - ii) If applicable, the total size and depth of the unit's foundation structure as well as soil and bedrock data.
 - iii) A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
 - iv) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - v) The maximum decibel level of the particular unit as obtained from the manufacturer of the turbine unit.
 - vi) Hazardous materials containment and disposal plan.
 - vii) Location of all public and private airports in relation to the location of the wind turbine.
 - viii) A site plan showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
 - ix) Evidence of an established setback of 1.5 times the height of the wind turbine and "clear fall zone."
 - x) Evidence that shadow flickering will not be perceptible beyond the property lines of the property on which the Small Wind Project is located.
 - xi) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled.
- b) As part of the conditional use process, the applicant shall inquire with the applicable building code authority as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

SECTION 556 ADULT BOOK STORES, ADULT MOTION PICTURE THEATERS AND ADULTS ONLY ENTERTAINMENT ESTABLISHMENTS

556.010 In addition to all other applicable development standards, no person shall operate, locate, or permit the location of an adult book store, adult motion picture theater or adults only entertainment establishment within 1,000 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, park, library, federal, state, county, township or city building, cemetery, or other civic or public use, including private recreation facilities.

556.011 No person shall operate, locate, or permit the location of an adult book store, adult motion picture theater and adults only entertainment establishment within 1,000 feet (as measured from property line to property line) of another adult book store, adult motion picture theater or adults only entertainment establishment.

SECTION 557 REGULATIONS GOVERNING SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES.

557.010 Purpose and Intent. Pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Board of Township Trustees makes the following statement of intent and findings:

- 1) Adult entertainment establishments require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the Township.
- 2) The Board of Township Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- 3) The concern over sexually transmitted diseases is a legitimate health concern of the Township that demands reasonable regulation of adult entertainment establishments by the Township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.
- 4) Minimal regulations enacted by the Township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- 5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
- 6) The Board of Township Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Board of Township Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
- 7) The Board of Township Trustees has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of the Township and that expanded regulation of adult entertainment establishments is necessary.
- 8) It is not the intent of the Board of Township Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.
- 9) It is not the intent of the Board of Township Trustees to condone or legitimize the distribution of obscene material, and the Board of Township Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and

encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

- 10) It is the intent of the Board of Township Trustees in enacting this Section to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Board of Township Trustees in enacting this Section to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Board of Township Trustees in enacting this Section to condone or legitimize the distribution or exhibition of obscene material.

557.011 Findings. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the

Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the Board of Township Trustees' independent review of the same) the Board of Township Trustees finds:

- 1) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- 2) Certain employees of adult entertainment establishments, as defined in this Section as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- 3) Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Ohio Revised Code.
- 4) Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.
- 5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.
- 6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.
- 7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- 8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state.
- 9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

- 10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
- 11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- 13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- 14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- 15) The findings noted in paragraphs (1) to (14) of this subsection raise substantial governmental concerns.
- 16) Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.
- 17) The enactment of this Section will promote the general welfare, health, morals, and safety of the citizens of the Township.

557.012 Definitions. As used in this Section, "adult arcade," "adult bookstore," "adult novelty store," "adult video store," "sexually oriented business," "adult entertainment establishment," "adult motion picture theater," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "nudity," "nude," "state of nudity," "regularly features," "regularly shown," "seminude," "state of seminudity," "sexual encounter establishment," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.39 of the Ohio Revised Code.

The terms listed below are specifically defined for use in this Section of this Zoning Resolution:

EMPLOYEE. A person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does employee include a person exclusively on the premises as a patron or customer.

LICENSEE. A person in whose name a license to operate a sexually oriented business has been issued as well as the individual(s) designated on the a sexually oriented business license application as principally responsible for the operation of the sexually oriented business. With respect to a sexually

oriented business employee license issued under this Section, licensee means an employee, as defined by this subsection, in whose name a license has been issued authorizing employment at a sexually oriented business.

OPERATE. Operate means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. "Operator" means any person(s) on the premises of a sexually oriented business who is authorized to exercise overall operational control or hold primary responsibility for the operation of a sexually oriented business or who causes to function or who puts or keeps in operation such a business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

PERSON. An individual, proprietorship, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

SECTION. "Section" means this Section 557 of this Zoning Resolution.

SEXUALLY ORIENTED BUSINESS. An "adult arcade," "adult bookstore," "adult novelty store," "adult video store," "adult entertainment establishment," "adult motion picture theater," or "adult theater," as each term is respectively defined by Section 2907.39 of the Ohio Revised Code.

SEXUALLY ORIENTED BUSINESS LICENSE. A license to act or operate a sexually oriented business that is issued pursuant to this Section.

SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE. A license authorizing employment at a sexually oriented business that is issued pursuant to this Section.

SPECIFIED CRIMINAL ACTIVITY. Specified criminal activity means any of the following offenses:

- 1) Prostitution or promoting prostitution, soliciting, loitering to engage in solicitation, sexual performance by a child, public lewdness, indecent exposure, indecency with a child, sexual assault, molestation of a child, or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country for which:
 - a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
- 2) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

TRANSFER OF OWNERSHIP OR CONTROL. Transfer of ownership or control of a sexually oriented business shall mean any of the following:

- 1) The sale, lease, or sublease of the business;
- 2) The transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
- 3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

557.020 License Required to Operate Sexually Oriented Business. No person shall operate a sexually oriented business, as defined in subsection 557.012, without a valid sexually oriented business license issued by the Township pursuant to this Section.

557.021 License Required to Act as an Employee of a Sexually Oriented Business. No person shall act as an employee, as defined in subsection 557.012, on the premises of a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Section. In connection with the operation of a sexually oriented business, no person shall retain the services of a person as an employee who is not licensed as a sexually oriented business employee by the Township pursuant to this Section.

557.022 Violations. Any person who violates subsection 557.020 shall be guilty of a misdemeanor of the first degree for a first offense, and a felony of the fourth degree for a second offense.

A violation of subsection 557.021 shall be a ground for the suspension of a sexually oriented business license as well as a ground for the suspension of a sexually oriented business employee license as provided for in subsection 557.051.

557.030 Application for a Sexually Oriented Business License. An original or renewal application for a sexually oriented business license shall be submitted to the Zoning Commission or its designee on a form provided by the Zoning Commission. The Zoning Commission's application may require, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the Zoning Commission to determine whether the applicant meets the qualifications established in this Section.

A nonrefundable application fee shall be charged to cover the reasonable administrative costs of processing an application for a sexually oriented business license, and the application fee shall be paid at the time of filing the application in the amount(s) set forth in the Schedule of Fees, which is Exhibit D to this Zoning Resolution.

557.031 Signatories to an Application for a Sexually Oriented Business License. An application for a sexually oriented business license shall identify and be signed by the following persons:

- 1) If the business entity is owned by an individual, that individual.
- 2) If the business entity is owned by a corporation, (a) each Officer or Director of the corporation, (b) any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and (c) any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.

- 3) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, (a) each partner (other than limited partners) and (b) any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

557.032 Contents of an Application for a Sexually Oriented Business License. An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Section, and shall be considered a licensee if a license is granted.

An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:

- 1) If the applicant is:
 - a) An individual, state the legal name and any aliases of such individual; or
 - b) A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
 - c) A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
 - d) A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.
- 2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
- 3) State whether any applicant, including but not limited to any signatory under subsection 557.031 or any individual identified under paragraph (1) of this subsection, has been convicted of or charged with a specified criminal activity as defined in this Section, and, if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction or charge.
- 4) State whether any applicant has had a previous license under this Section or other similar regulation of another jurisdiction denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation; and state whether the

applicant has been a partner in a partnership or an officer or fifty (50) percent or greater owner of a corporation licensed under this Section whose license has previously been denied, suspended, or revoked, including the name and location of the business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension, or revocation.

- 5) State whether any applicant holds any other licenses under this Section or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
- 6) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
- 7) State the mailing address and residential address of each applicant and each person signing the application, including signatories under subsection 557.031.
- 8) Submit a recent photograph, taken by the Franklin County Sheriff's Office, of each applicant who is a natural person that clearly shows the applicant's face.
- 9) Submit the fingerprints, recorded by the Franklin County Sheriff's Office, of each applicant who is a natural person.
- 10) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.
- 11) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- 12) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
- 13) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the sexually oriented business license, if granted, will be conspicuously posted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- 14) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Zoning Commission can determine whether this Section's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with this Section's licensing and permitting requirements.

- 15) The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

557.033 Review of an Application for a Sexually Oriented Business License; Issuance of a Sexually Oriented Business License. The following procedures shall be followed upon receipt of an application for a sexually oriented business license:

- 1) The Zoning Commission or its designee shall promptly request that the Zoning Inspector review the information provided in the application concerning the criminal background of the applicant(s) and that the Zoning Inspector shall transmit the results of its investigation in writing to the Zoning Commission or its designee within five (5) days of the completion of its investigation.
- 2) Within five (5) days of receipt of an application for a sexually oriented business, the Zoning Commission or its designee shall notify the Zoning Inspector and the Township Fire Chief of such application. In making such notification, the Zoning Commission or its designee shall request that the Zoning Inspector and the Fire Chief promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.
- 3) The Zoning Inspector and the Fire Chief shall provide to the Zoning Commission or its designee a written certification of whether the premises are in compliance with the regulations under their respective jurisdictions within ten (10) days of receipt of notice of the application. The Zoning Inspector must include in his written certification any notice from any state or county agency of the premises being in violation of any applicable state building or property codes.
- 4) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the Zoning Commission or its designee shall approve or deny the issuance of a license. The Zoning Commission or its designee shall approve the issuance of a license to an applicant unless it determines that one or more of the following findings is true:
 - a) An applicant who is a natural person is under eighteen (18) years of age.
 - b) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose their Social Security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
 - c) An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.
 - d) An applicant has been convicted of a specified criminal activity as defined in this Section.

- e) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Section, this Zoning Resolution, or any state statute or regulation.
 - f) The application fee required by this Section has not been paid.
 - g) An applicant is in violation of or not in compliance with any provision of this Section.
- 5) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
 - 6) The Zoning Commission or its designee shall advise the applicant in writing within three (3) days of the Zoning Commission's decision of the reasons for any license denial. The applicant may reapply if the Zoning Commission finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated.

557.040 Application for a Sexually Oriented Business Employee License. An application for a sexually oriented business employee license shall be submitted to the Zoning Commission or its designee on a form provided by the Zoning Commission. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the Zoning Commission to determine whether the applicant meets the qualifications established in this Section.

557.041 Contents of an Application for a Sexually Oriented Business Employee License. An application for a sexually oriented business employee license shall be completed according to the instructions of the application form, which shall require the following:

- 1) State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.
- 2) State the applicant's date and place of birth.
- 3) State the applicant's height, weight, and hair and eye color.
- 4) Submit a recent photograph of the applicant, taken by the Franklin County Sheriff's Office, which clearly shows the applicant's face.
- 5) Submit the applicant's fingerprints as recorded by the Franklin County Sheriff's Office.
- 6) Describe and identify the location of any tattoos on the applicant's face, arms, legs, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed sexually oriented business.
- 7) State the applicant's present residence address and telephone number.
- 8) State the applicant's present or intended business address and telephone number.
- 9) State the applicant's driver's license number and Social Security number.

- 10) Submit proof that the applicant is at least eighteen (18) years old.
- 11) Provide a statement detailing the sexually oriented business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually oriented business, in this or any other jurisdiction, and whether the applicant has ever had a sexually oriented business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.
- 12) State whether the applicant has been convicted of a specified criminal activity as defined in this Section and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
- 13) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Zoning Commission can determine whether this Section's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with this Section's licensing and permitting requirements.
- 14) The information gathered pursuant to the above provisions constitutes protected private information and is exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

557.042 Review of an Application for a Sexually Oriented Business Employee License; Issuance of a Sexually Oriented Business Employee License. The following procedures shall be followed upon receipt of an application for a sexually oriented business employee license:

- 1) Upon the filing of a completed application for a sexually oriented business employee license, the Zoning Commission or its designee shall issue a license to said applicant immediately.
- 2) Within five (5) days of receipt of a completed application for a sexually oriented business employee license, the Zoning Commission or its designee shall request that the Franklin County Sheriff's Office initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Franklin County Sheriff's Office shall document the results of its investigation in writing within five (5) days of the completion of its investigation and transmit this writing to the Zoning Commission or its designee.
- 3) Within ten (10) days after completion of the criminal background investigation of the applicant, the Zoning Commission or its designee shall either affirm the prior issuance of the license or revoke the license. The Zoning Commission or its designee shall affirm the prior issuance of a license to an applicant unless it determines that one or more of the following findings are true:

- a) The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
 - b) The applicant is under eighteen (18) years of age.
 - c) The applicant has been convicted of a specified criminal activity as defined in this Section.
 - d) The sexually oriented business employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule, or regulation.
 - e) The applicant has, within the preceding twelve (12) months, been denied a sexually oriented business employee license by any jurisdiction or has had a sexually oriented business employee license revoked by any jurisdiction.
- 4) If the sexually oriented business employee license is revoked, the Zoning Commission or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any such revocation.

557.050 Expiration and Renewal of License. Each license issued pursuant to this Section shall expire one year from the date of issuance and may be renewed by making application as provided in this subsection. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

The Zoning Commission or its designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Section.

The Zoning Commission or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

- 1) An application for renewal of a sexually oriented business license shall be submitted to the Zoning Commission or its designee on a form provided by the Zoning Commission. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Section. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

- 2) An application for renewal of a sexually oriented business employee license shall be submitted to the Zoning Commission or its designee on a form provided by the Zoning Commission. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Section. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

When the Zoning Commission denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if the Zoning Commission finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one-year period.

557.051 Suspension. The Zoning Commission shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

- 1) Has violated or is not in compliance with any provision of this Section; or
- 2) Has knowingly allowed an employee to violate or fail to comply with any provision of this Section.

The Zoning Commission shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by subsection 557.033 of this Section or any other reasonable inspection.

The Zoning Commission shall suspend a sexually oriented business employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or is not in compliance with any provision of this Section.

The Zoning Commission or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

557.052 Revocation of License Due to Multiple Suspensions. The Zoning Commission shall revoke a sexually oriented business license or sexually oriented business employee license if a cause of suspension under this Section occurs and the license has been suspended two times within the preceding twelve (12) months.

557.053 Revocation of a Sexually Oriented Business License. The Zoning Commission shall revoke a sexually oriented business license if it determines that:

- 1) A licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
- 2) The licensee(s) failed to comply with any requirement stated in the license, pursuant to this Section, to correct specified deficiencies within one hundred and twenty (120) days;
- 3) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

- 4) A licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;
- 5) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- 6) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises;
- 7) A licensee has been convicted of a specified criminal activity, as defined in this Section, during the term of the license; or
- 8) A licensee is delinquent in payment to the Township; Franklin, Union or Delaware Counties, Ohio; or the State for any taxes or fees that were assessed or imposed in relation to any business.

557.054 Revocation of a Sexually Oriented Business Employee License. The Zoning Commission shall revoke a sexually oriented business employee license if it determines that:

- 1) The licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
- 2) The licensee has knowingly acted as an employee on the premises of a sexually oriented business during a period of time when the licensee's license was suspended; or
- 3) The licensee has been convicted of a specified criminal activity, as defined in this Section, during the term of the license.

557.055 Revocation Procedures. The Zoning Commission or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation under this Section.

When the Zoning Commission revokes a license pursuant to subsections 557.052, 557.053, or 557.054, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

557.056 Right to Judicial Review. Pursuant to Ohio Revised Code Chapter 2506, any denial, suspension, or revocation of a new or renewal license under this Section may be appealed to the County Court of Common Pleas of the county where the sexually oriented business is located. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 124 S. Ct. 2219.

557.057 Maintenance of Status Quo During Pendency of a Judicial Review. Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Section, so that the status quo of the licensee is maintained during the entire time required for the Court of Common Pleas to rule on the appeal.

Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all

privileges attendant thereto, subject to all other terms of this Section, so that the status quo of the licensee is maintained during the entire time required for the Court of Common Pleas to rule on the appeal.

557.058 Right to Consolidate Appeals. In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Zoning Commission or its designee pursuant to this Section. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, the Township has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension, or revocation of a license.

If, during the pendency of any judicial review, there are additional denials of a renewal license application or suspensions or revocations of that license, the Township has the right to consolidate any new appeals of additional denials, suspensions, or revocations pursued under subsection 556.056 with any pending appeal for that same licensee.

557.060 Transfer of License. A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

A sexually oriented business employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the Zoning Commission or its designee within fifteen (15) days of such transfer.

557.070 Additional Regulations Concerning the Operation of a Sexually Oriented Business. The following additional regulations shall apply to the operation of a sexually oriented business:

- 1) Any employee appearing on the premises of a sexually oriented business in a state of nudity or semi-nudity, as defined by this Section, must be on a stage that is at least 24 inches from the floor, and at a distance at least 36 inches from all parts of a clearly designated area in which patrons will be present.
- 2) All live entertainment and performances in a sexually oriented business must take place on a stage that is at least 24 inches from the floor and a distance of at least 36 inches from all parts of a clearly designated area in which patrons will be present.
- 3) The stage shall be separated from the area in which patrons may be present.
- 4) No employee, as defined in this Section, appearing on the premises of a sexually oriented business in a state of nudity or semi-nudity, may intentionally or knowingly touch a customer or a customer's clothing or knowingly permit himself or herself to be touched by a customer or a customer's clothing.
- 5) The provisions of paragraphs (1) through (3) of this subsection shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to entertainers.

- 6) In addition, paragraphs (1) through (3) of this subsection shall not apply to live performances in which the patron and performer are separated by an impenetrable barrier such as, but not limited to, glass or Plexiglas.
- 7) No exterior signage for a sexually oriented business shall contain any sexually graphic or obscene pictures or words.

557.071 Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

557.072 Hours of Operation. A sexually oriented business shall close no later than 12:00 midnight or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later. However, all sexually oriented businesses must cease all specified sexual activity, as defined by this Section, no later than 12:00 midnight and shall not reopen earlier than 11:00 A.M. or the applicable day and times allowed by the State of Ohio Division of Liquor Control.

557.080 Severability Clause. If any section, subsection, paragraph, or clause of this Section shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, paragraphs, and clauses shall not be affected.

557.081 Conflicts of Laws. In the event of any conflict between the standards of this Section and any other provision of this Zoning Resolution, the most restrictive standards shall apply except where this Section 557 explicitly provides otherwise.

ARTICLE VI SPECIAL DISTRICTS

SECTION 600 SPECIAL DISTRICTS AND REGULATIONS ADOPTED.

600.010 Special Districts Established. Districts providing for use or development of land for certain purposes or under certain conditions, as hereafter specified, are hereby established and adopted.

600.020 Special District Regulations. Regulations pertaining to use or development of land in Special Districts are provided for the following:

600.021 Exceptional Uses. Provisions pertaining to certain uses of a unique nature as to warrant individual consideration are provided to allow appropriate location and development in relation to other land uses and development in a manner appropriate to promote the public health, safety and general welfare.

600.030 Relation To Zoning Districts. Special Districts and Regulations thereof shall be in addition to the Zoning Districts as established on the Zoning District Map and nothing herein is intended to amend, modify or otherwise change the Zoning District Regulations except as specifically set forth in the Special District Regulations.

600.031 Relation to Zoning District Map. The inclusion of land in a Special District shall be in addition to the Zoning District as established on the Zoning District Map, and nothing herein is intended to amend, modify or otherwise change the Zoning District boundaries as shown on the Zoning District Map.

SECTION 610 EXCEPTIONAL USE DISTRICT REGULATIONS.

610.020 Special Uses. The following listed uses shall be subject to these EXCEPTIONAL USE DISTRICT REGULATIONS, except as they may be permitted by other provisions of this Zoning Resolution.

610.021 Transportation. Airport or Flying Field, Transportation Terminals, Depots or other transportation facilities not exempt from regulation.

610.022 Recreation and Amusement. Amusement Center, Amusement Park, Skating Rink, Miniature Golf, Swimming Pool, Drive-In Theater (except Adult Motion Picture Theater as defined in SECTION 720 of ARTICLE VII) or similar facility.

Athletic Field, Stadium, Race Track or similar sports facility not otherwise allowed by the provisions of this Zoning Resolution.

Golf Club, Country Club, Fishing Club or Lake, Riding Stable, including boarding of animals, or similar recreational facility operated on an admission fee or membership basis.

Resort establishment, park, camping or boating facilities, picnic grounds or similar recreational facility operated on an admission fee or membership basis.

610.023 Social and Cultural Institution. Cemetery or Crematory not otherwise allowed by the provisions of this Zoning Resolution.

Hospital, Sanatorium, Convalescent Home, Rest Home or Home for Children or the Aged, not otherwise allowed by the provisions of this Zoning Resolution.

Private school or college including those with students or faculty in residence, not otherwise allowed by the provisions of this Zoning Resolution.

610.024 Other Uses Not Provided For. Other legal uses of unique or exceptional requirements or circumstances that are otherwise not permitted by this Zoning Resolution.

610.030 Procedure. The following procedure shall be followed in placing land in the Exceptional Use District.

610.031 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application for amendment of the Zoning District Map and such plan shall include in text or map form:

- 1) The proposed location and size of areas of use, indicating size, location and type of structure.
- 2) The proposed location, size and use of all open areas landscaped and other open space with suggested ownership of such areas.
- 3) The proposed provision of water, sanitary sewer and surface drainage facilities including engineering feasibility or other evidence of reasonableness.

- 4) The proposed circulation pattern including streets, both public and private, parking areas, walks and other accessways including their relation to topography, existing streets and other evidence of reasonableness.
- 5) The proposed schedule of site development and construction of buildings and associated facilities including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features such as structures, streets, easements, utility lines and land use.
- 6) The relationship of the proposed development to the existing and future land use in the surrounding area, the street system, community facilities and services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan within three (3) years. Such control includes property rights, economic resources and engineering feasibility as may be necessary.

610.032 Basis of Approval. The basis of approval for the Exceptional Use District shall be:

- 1) That the proposed development is consistent in all respects to the purpose, intent and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with the Washington Township Land Use Plan or a portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and that the benefits to be derived from the proposed use justifies the change in the land use character of the area.

610.033 Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment of the Special District Map and a supplement to the EXCEPTIONAL USE DISTRICT REGULATIONS as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio, if required; or if no plat is required for the completion of plans for application for a Certificate of Zoning Compliance. If the plat is not submitted and filed nor such certificate applied for and used within the two (2) year period, the approval shall become voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with Section 640.034.

610.034 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the Exceptional Use District.

610.040 Development Standards. The provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, shall pertain to the Exceptional Use District. Because of the unique

nature and requirements of these uses, and because their locations cannot be readily predetermined, appropriate Development Standards cannot be set forth, but full usage of Development Standards, requirements, and other provisions of this Zoning Resolution as they may be appropriate, shall be used.

SECTION 620 FLOODPLAIN OVERLAY DISTRICT REGULATIONS.

620.010 Purpose and Intent. The Floodplain Overlay District is provided for areas impacted by the 100-year floodplain as measured by the National Flood Insurance Program under the Federal Emergency Management Agency (FEMA). The Floodplain Overlay District's purpose is to prevent obstruction of the water channel and to protect structures and property from flood damage.

620.011 Jurisdictional Boundaries. The terms listed below are specifically defined for use in this section of this Zoning Resolution:

Regulatory Floodplain District. The Floodplain Overlay District is an overlay district applicable concurrently with other Zoning District classifications. Land uses and development allowed in the underlying Zoning Districts must also meet all other applicable sections of this overlay district.

1. Designation of the Regulatory Floodplain District. The Regulatory Floodplain District shall be designated as those flood hazard areas which are identified in the "Flood Insurance Study, County of Franklin, Ohio, Unincorporated Areas" and accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM) published by FEMA under the National Flood Insurance Program (NFIP) dated August 2, 1995, and all revisions and amendments thereto. These maps and data shall be on file at the Township offices, the Franklin County Rural Zoning Commission, any reviewing agency and the Franklin County Engineer's Office.
2. Floodway and Floodway Fringe. The Regulatory Floodplain District is further divided into two portions consisting of the floodway and the floodway fringe. The floodway is that portion of the floodplain consisting of the channel and sufficient adjacent lands to convey the base flood discharge without increasing the base flood elevation more than one-half (1/2) foot. The floodway fringe is that portion of the floodplain outside of the floodway. The FEMA water surface profiles of the base flood shall govern the location of the floodplain boundary. The base flood elevations and floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. The floodplain district shall be illustrated on the Zoning District Map. FEMA maps and data shall be used to establish the Regulatory Floodplain Districts. FEMA maps and data shall govern in case of omission on or conflict with the zoning maps.

620.020 Floodplain Permitted and Prohibited Uses. The following uses shall be permitted within the Regulatory Floodplain District, provided they comply with all other applicable sections of this Zoning Resolution: All uses permitted under the requirements and standards of the National Flood Insurance Program, 44 CFR part 60.

620.030 Warning and Disclaimer of Liability. This Zoning Resolution does not imply that areas outside the Regulatory Floodplain District, or uses allowed or otherwise permitted or approved within the Regulatory Floodplain District in accordance with provisions of this Zoning Resolution, will be free from flooding or flood damages. This Zoning Resolution or its administration and/or enforcement shall not create liability on the part of the Township, an officer or employee of any county of which the Township

is a part, or other staff or personnel involved in its administration and/or enforcement. Additional flood proofing beyond that required by this Zoning Resolution is recommended and encouraged.

SECTION 630 RURAL CHARACTER OVERLAY DISTRICT REGULATIONS.

630.010 Purpose and Intent. The Township is on the fringe of a growing suburban area. Agricultural areas in the Township are diminished through the addition of non-agricultural development (usually scattered single-family houses). While the trend toward increasing single-family residential land use is expected to continue in the Township, preservation of rural character is desired by the Township through the sensitive development of residential land uses.

The purpose of the Rural Character Overlay District in the Township is to encourage environmental sensitive residential development, maintain wildlife habitat and preserve rural character in the Township through the addition of specialized development performance standards for the non-agricultural development of residentially-zoned land. This is accomplished by the following:

- 1) Maintaining existing subsurface and surface water drainage courses;
- 2) Appropriate storage, handling, treatment and disposal of animal waste to preserve the purity of local water systems;
- 3) Appropriate livestock management practices to mitigate odor and pest breeding;
- 4) Maintaining wildlife habitat through the preservation and extension of existing tree lines and woodlands, and through the creation of new tree lines;
- 5) Maintaining the rural character of the Township by encouraging residential landscaping schemes appropriate to the Township's current rural character and appearance;
- 6) Preserving open sight lines; and
- 7) Controlling emanation of light to reduce or prevent night sky light pollution.

630.011 Jurisdictional Boundaries. The terms listed below are specifically defined for use in this Section of this Zoning Resolution.

Rural Character Overlay District. The Rural Character Overlay District means that area of the Township west of the Conrail railroad right-of-way.

630.020 Permitted Uses. Permitted uses in the Rural Character Overlay District shall be those of the Semi-Rural Residential District.

630.030 Conditional Uses. Conditional uses shall be those of the underlying Zoning District.

630.040 Development Standards. In addition to the provision of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement of land and buildings are required in the Rural Character Overlay District.

630.041 Maintenance of Subsurface and Surface Water Drainage.

Subsurface Drainage

- 1) Subsurface drainage in the form of established agricultural drainage tiles are to be identified prior to the development of each parcel.
- 2) Subsurface drainage systems are to be maintained to the extent possible through site plan development. Drainage tiles which must be rerouted due to construction must be replaced to carry the same capacity of water as the original tile. Larger tiles are not recommended for replacement, as the off-site tiles will not accommodate increased flows.
- 3) Required perimeter drainage for septic leaching systems, pursuant to regulations of the Franklin County Board of Health, must not connect or have entered into any subsurface tile drainage system.
- 4) Where subsurface tiles are two feet or less from the surface, reinforcement should take place prior to driving across the surface.

Surface Drainage

- 1) Unless otherwise permitted by the Floodplain Overlay District zoning regulations, no construction may take place in a major drainage course (100-year floodplain).
- 2) All perennial streams on United States Geological Survey topographic maps should be identified prior to site development and such development shall not disrupt existing perennial streams.
- 3) Aeration and curtain drains should not outlet into surface drainage courses which are perennial streams on United States Geological Survey topographic maps.

630.042 Livestock Nutrient Management.

- 1) The following standards for keeping horses and other livestock (including all non-household pets over 100 pounds, such as goats) in the Township are based on two basic livestock maintenance programs. One of the two basic livestock management plans must be followed to permit the keeping of horses and other livestock in the Township. The plans are primarily geared toward regulating the keeping of livestock over 1000 pounds (typically horses and cows) in rural-residential areas. Non-household pets or livestock weighing less than 1000 pounds shall be managed according to Ohio Cooperative Extension Service guidelines and Franklin County Board of Health regulations.

Property owners keeping a horse(s) or other livestock over one thousand (1000) pounds must meet the minimum requirements of Plan 1 or Plan 2, in addition to the following guidelines:

- Plan 1 Minimum of five (5) acres of land is required per horse or other livestock over one thousand (1000) pounds. The five (5) acres must be divided into a minimum of two fenced areas of one to four acres each. Horse management in this scenario includes some on-site production of hay and on-site disposal of animal waste (via spreading waste on a field as fertilizer). The divided acreage is to be rotated for animal grazing and hay/feed production in conjunction with the disposal of animal waste. Stable waste must be collected and stored in a well-drained, maintained composting pile at least once per week. Woodlands may not be used in computing the acreage calculations.

Plan 2 Minimum of two (2) acres of land is required for each horse or other livestock over one thousand (1000) pounds. This plan accommodates the stabling of a horse(s) for which all hay and feed is purchased and waste is collected for off-site disposal. The minimum two (2) acres must include a covered exercise arena or an exercise arena with a storm drainage management plan. Manure must be collected at least once per day and placed in concrete or metal fly-proof containers. Animal waste must be disposed off-site at least once per week. Woodlands may not be used in computing the acreage calculations.

2) Guidelines Applicable to both Livestock Management Plans

- a) Adhere to all requirements in Ohio Administrative Code, Chapter 1501:15-5, Animal Waste Pollution Abatement Rules.
- b) Adhere to all requirements in the "Ohio Livestock Manure and Wastewater Management Guide" (Bulletin 604 from the Ohio Cooperative Extension Service).
- c) Concentrated animal feeding operations are prohibited.
- d) Horses and other livestock must be provided a weather-tight stable under a roof of, at minimum, one hundred (100) square feet per animal.
- e) All fences, pens and enclosures must be a minimum of ten (10) feet from the adjacent property lines.
- f) Standings under roofed stables must be made of concrete, packed caliche or equivalent material providing for proper drainage so as not to create offensive odors, fly breeding or other nuisances.
- g) Fences for pens, corrals or similar enclosures must be of sufficient height and strength to retain animals.
- h) All stables in the Township are to be for private use. Public riding stables are prohibited since they are commercial uses.

630.043 Residential Landscaping.

- 1) Landscaping of non-agriculturally-related residential properties is to be in keeping with the rural character of the surrounding properties. Residential landscaping standards include, but are not limited to:
 - a) Maintain existing fence rows during development.
 - b) Re-establish vegetation disturbed during development.
 - c) Native species should be used for landscaping and fence row establishment and may also be designed to provide habitat for wildlife.
 - d) The critical root zone within the drip-line of any tree shall remain uncovered by impermeable material.

- e) Woodlands may not be used for livestock grazing. Fencing or other barrier structures must separate livestock from woodlands.
- f) Residential Development Plans for any property within or overlapping the areas defined as corresponding to the green triangles identified as "wooded tracts" on the Generalized Land Use Map in the Land Use Plan must include a landscape design plan. The landscape design plan must be prepared by a registered landscape architect or certified arborist. The plan must show the planned location of the house, any accessory structures, and all surfaces to be paved or covered with other impervious surfacing. The plan must be designed to preserve as much of the existing mature trees as possible. The Zoning Inspector, in consultation with a registered landscape architect or certified arborist as selected by the Zoning Commission, shall determine whether all landscape design plans are in keeping with the spirit of the Residential Landscaping section of the Rural Character Overlay District. Thus a favorable determination will be essential for issuance of a Certificate of Zoning Compliance. An appeal process is available to property owners through the Board of Zoning Appeals.

Tree Lines

- a) Existing tree and fence rows must be maintained in a manner visually similar to other rural fence rows on adjacent properties.
- b) Fencing may be removed, but trees and associated brush must be maintained.
- c) New tree lines must be a minimum of one hundred fifty (150) feet from each other and existing tree lines. New tree lines must be a minimum of two hundred (200) feet long and must be a minimum of ten (10) feet wide.
- d) No tree lines may be mowed, thinned or removed, except in the case of hazardous conditions posed by dead or diseased trees or other vegetation. Continuations of existing tree lines are exempt from the width, length and spacing minimum requirements.

Nonliving or Diseased Trees

- a) Nonliving or diseased trees and other similar vegetation shall be removed as a menace to the public health, safety and general welfare.
- b) Artificial plants are prohibited.

SECTION 640 VILLAGE CENTER OVERLAY DISTRICT REGULATIONS.

640.010 Purpose and Intent. The purpose of the Village Center Overlay District is to preserve Amlin's historic character and enhance the residential neighborhood surrounding its commercial core. The Village Center Overlay District supplements land uses and development standards already in effect under current zoning with more specific development standards, uses and review guidelines that recognize the unique characteristics of Amlin. Goals of the Village Center Overlay District are as follows:

- 1) Protecting and enhancing Amlin as the continuing center of the Township community;

- 2) Preserving Amlin's village heritage through protecting the pedestrian scale, strengthening the grid street pattern, permitting only rural-village appropriate uses, and encouraging reuse rather than removal;
- 3) Guiding appropriate growth patterns in Amlin, including providing for opportunities for an appropriate commercial mix in the original village center;
- 4) Providing minimal standards that result in suitable lot sizes, given the existing development pattern;
- 5) Providing smaller building lots than other residential zoning districts, thus promoting affordable housing for a diverse population.

640.011 Jurisdictional Boundaries. The terms listed below are specifically defined for use in this section of this Zoning Resolution:

Village Center Overlay District. Village Center Overlay District means that area of the Township commonly referred to as Amlin and bounded as follows: on the west by a point one thousand (1,000) feet west along the centerline of Rings Road from Cosgray Road, on the north and south five hundred (500) feet from the centerline of Rings Road and on the east by a point fifteen hundred (1,500) feet east of the Conrail railroad right-of-way.

Amlin Commercial Center. Amlin Commercial Center means that area of the Village Center Overlay District bounded as follows: one tax parcel deep to the north and south of a line beginning at the east boundary of the Conrail railroad right-of-way and continuing along the centerline of Rings Road four hundred fifty (450) feet east.

Amlin Residential Area. Amlin Residential Area means that area of the Village Center Overlay District exclusive of the Amlin Commercial Center.

640.020 Permitted Uses. Permitted uses in the Amlin Residential Area shall be those of the Suburban Residential District. Permitted uses in the Amlin Commercial Center shall be those of the Neighborhood Commercial District. Mixed uses of residential and commercial, will be allowed, especially in the case of retail commercial, in Amlin and in the immediate surrounding areas which involve structures one hundred or more years old.

640.030 Conditional Uses. Conditional uses shall be those of the underlying Zoning District(s).

640.040 Development Standards. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the Village Center Overlay District.

640.041 Lot Area and Coverage. In the Amlin Residential Area a minimum lot size of seven thousand (7,000) sq. ft. is required. Gross density shall be six (6) units per acre. Maximum lot coverage shall be fifty percent (50%).

640.042 Lot Width and Depth. In the Amlin Residential Area, the minimum lot width and depth shall be as follows: (1) fifty (50) feet wide and one hundred fifty (150) feet deep for those lots fronting Rings Road; (2) sixty (60) feet wide and one hundred eighty (180) feet deep for those lots one tier north

and south from Rings Road; and (3) seventy (70) feet wide and two hundred ten (210) feet deep for those lots two tiers north and south of Rings Road.

640.043 Side Yard. The minimum total side yards in the Amlin Residential Area shall total ten (10) feet, with a five (5) foot minimum per side.

640.044 Front and Rear Yards. The minimum front yard in the Amlin Residential Area shall be twenty-five (25) feet, except to the extent that Sections 504.010 and 504.011 impose a requirement of a front yard greater than imposed by this Section, Sections 504.010 and 504.011 shall control. The minimum rear yard in the Amlin Residential Area shall be fifteen (15) feet.

640.045 Living Area. For a one-family dwelling structure there shall be not less than one thousand (1,000) square feet of living space, calculated exclusive of garage area, breezeways, unfinished attic space, and space more than one-half (1/2) below grade.

640.046 Sidewalks. The Amlin Commercial Center shall have concrete sidewalks of a minimum width of three (3) feet and such sidewalks shall extend into the surrounding neighborhood for a minimum of one-quarter (1/4) mile along all public streets.

640.047 Landscape. Screening Adjacent to Residential Uses. If a non-residential use (including off-street parking areas) is adjacent to a residential use, a six (6) foot, double-faced, wood privacy fence shall be provided to screen the residential use.

640.048 Signage. In addition to the requirements of Section 541, the appropriateness of signage to the structure shall be considered.

640.049 Pedestrian Environment. Small litter receptacles, benches and other street furniture shall be made of materials and design compatible with the architecture of a rural village center, i.e. wooden or wrought iron.

640.050 Architectural Guidelines. All construction should be architecturally appropriate for a rural village. The following guidelines shall apply to all new structures and shall serve as general design goals for all remaining structures within the Village Center Overlay District:

- 1) Residential Atmosphere. New buildings should be compatible in size, scale, mass, exterior materials and roofs with existing buildings. Exterior colors should be compatible with the existing atmosphere.
- 2) Structure of Two Stories or Less. Structures shall not exceed two (2) stories or thirty-five (35) feet in height.
- 3) Front of Buildings Facing the Street. Building fronts shall face a public street. If constraints do not permit this, architectural treatments should be used to achieve the same effect.
- 4) Porches. Covered porches should be considered for new one-family dwelling structures, which porches should extend a minimum of eight (8) feet from the front of the house along at least two-thirds (2/3) of the width of the front facade.
- 5) Mechanical Systems. Exterior mechanical systems should be installed in places where they will be visually unobtrusive.

- 6) Trash Receptacles. Permanent trash receptacles in the Amlin Commercial Center should be placed at the rear or side of the site and must be screened with a six (6) foot double faced, wood privacy fence with a 100 percent (100%) opaque gate.
- 7) Parking. There shall be no front yard parking spaces or turning pavement. No driveways may be located in the side yard when the property has rear alley access. Vehicular property access should be through the alleys to a garage or permanent covered carport (located behind the dwelling).

640.60 Conflicts of Laws. Development standards from both the Village Center Overlay District and the underlying Zoning District shall apply to sites within the Village Center Overlay District. In the event of conflict between the standards of the underlying Zoning District(s) and the Village Center Overlay District, the standards of the Village Center Overlay District shall apply.

SECTION 650 ARCHITECTURAL REVIEW OVERLAY DISTRICT REGULATIONS.

650.010 Purpose and Intent. Pursuant to the authority granted by Section 519.171, Ohio Revised Code, the purpose of the Architectural Review Overlay District is to enforce compliance with the zoning standards contained in this Section pertaining to architectural and landscaping elements of Amlin and other historic buildings in the Township. The Architectural Review Overlay District supplements land uses and development standards already in effect under current zoning with more specific review guidelines that recognize the unique historical character of Amlin and certain other buildings within the Township. The goals of the Architectural Review Overlay District are as follows:

- 1) Protecting and enhancing Amlin as the continuing center of the Township community;
- 2) Preserving Amlin's village character through protecting the historic architecture of buildings within Amlin;
- 3) Conserving the heritage of the Township by preserving historic buildings, regardless of their location within the Township; and
- 4) Insuring the suitability of architectural and landscaping elements when any structure within the Architectural Review Overlay District is restored, renovated, modified, demolished, replaced, reconstructed or otherwise materially altered.

650.011 Jurisdictional Boundaries. The terms listed below are specifically defined for use in this Section of this Zoning Resolution:

Architectural Review Overlay District. The Architectural Review Overlay District includes the Village Center Overlay District as defined in ARTICLE VI herein. The Architectural Review Overlay District also includes any residence, commercial building, church or other building built before 1930. All houses, farmsteads or other structures (including the parcels surrounding such buildings) that were identified as historically significant in the most recent Washington Township Comprehensive Plan are included within the boundaries of the Architectural Review Overlay District. The most recent Washington Township Comprehensive Plan is hereby incorporated by reference as if fully set forth within this Zoning Resolution and shall be on file at the offices of the Township.

650.020 Architectural Review Board. The Washington Township Architectural Review Board is hereby created to monitor compliance with this Section and to approve, modify or disapprove applications for Certificates of Zoning Compliance under this Section. The Zoning Commission shall sit as the

Washington Township Architectural Review Board and, for the purposes of this Section, shall be referred to as the "Board". The procedural rules applicable to the Zoning Commission under this Zoning Resolution shall operate in an identical manner when the Zoning Commission functions as the Board.

650.030 Applicability. The regulations contained herein shall apply to architectural and landscaping elements, including exterior building materials, of buildings, structures and parcels within the Architectural Review Overlay District. No residential, commercial, office, industrial, warehouse, multifamily residential building, structure, or space within the Architectural Review Overlay District shall be constructed, reconstructed, altered, moved, extended, demolished, raised, enlarged or changed in external appearance, unless and until the plans and specifications of such building or structure and the landscaping plan for the premises on which it is to be located have been approved by the Board. The Board, in reviewing such plans and specifications shall examine the architectural design, the exterior surface treatment, the arrangement of buildings and structures on the premises, the uses of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the Architectural Review Overlay District. The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures and spaces will:

- 1) Protect the historic character of the structure and other surrounding buildings.
- 2) Enhance the attractiveness and desirability of the Architectural Review Overlay District in keeping with its purpose and intent.
- 3) Encourage the orderly and harmonious development of the Architectural Review Overlay District in keeping with the character of the Architectural Review Overlay District.
- 4) Enhance and protect the public and private investment and the value of all lands and improvements within the Architectural Review Overlay District and adjoining districts.

650.031 Types of Construction Subject to Architectural Review. The following is a non-exclusive list of the types of construction work subject to Architectural Review under this Section, and the terms listed below are specifically defined for use in this Section:

- 1) New construction. Construction of a new structure.
- 2) Restoration. Major structural reconstruction to restore a building to its original state.
- 3) Additions. Enlargement of an existing structure.
- 4) Renovation. To restore and rehabilitate a building to its original state and improve the structure.
- 5) Demolition. Removal of an existing structure.
- 6) Replacement. Changes to an existing structure resulting in different materials and/or architectural styles.
- 7) Repairs. Minor reconstruction to restore a building to its original state or otherwise improve the exterior condition of a building.

650.040 Certificate of Zoning Compliance Required. A Certificate of Zoning Compliance shall be obtained prior to any new construction, restoration, addition, renovation, demolition and replacement or other change that is subject to the provisions of this Section.

650.041 Applications. Applications for a Certificate of Zoning Compliance shall be filed with the Board. The application shall be accompanied by a plan containing:

- 1) The name, address and phone number of the owner or lessee and the professional architect or engineer who prepared the plan.
- 2) The address of the lot and subplot number, if applicable.
- 3) All lot lines with dimensions and total acreage.
- 4) The "footprint" with dimensions of all buildings, structures and uses.
- 5) All elevations of buildings and structures at finished grade.
- 6) Complete floor plan, building cross section, and typical wall section.
- 7) Location and dimensions of all mechanical equipment, driveways, walkways, decks, patios, signage, lighting and all accessory buildings, structures and uses.
- 8) Such other information as may be necessary to ensure compliance with this Section, ARTICLE VII, and any other part of this Zoning Resolution.

650.042 Review of Applications. The Board shall review and approve, approve with modifications or conditions, or disapprove such application within thirty (30) days of the meeting where the application was considered. Upon approval by the Board, the Zoning Inspector shall issue a Certificate of Zoning Compliance to the applicant in accordance with the applicable provisions of ARTICLE VII.

650.050 Conflicts of Laws. Development standards from the Architectural Review Overlay District, the underlying Zoning District, and any other applicable overlay districts shall apply to sites within the Architectural Review Overlay District. In the event of any conflict between the standards of the underlying Zoning District(s), overlay district(s) and the Architectural Review Overlay District, the most restrictive standards shall apply.

SECTION 660 STREAM BUFFER OVERLAY DISTRICT REGULATIONS.

660.010 Purpose and Intent. The purpose of the Stream Buffer Overlay District is to establish minimum acceptable requirements for the design of buffers to protect the streams and wetlands of the Township; to protect the water quality of watercourses and other significant water resources within the Township; to protect the Township's riparian and aquatic ecosystems; and to provide for the environmentally sound use of the Township's land resources.

660.011 Jurisdictional Boundaries. The Stream Buffer Overlay District shall have boundaries that are coterminous with the boundaries of the Township.

660.012 Definitions. The terms listed below are specifically defined for use in this Section of this Zoning Resolution:

ACTIVE CHANNEL. The area of the stream channel that is subject to frequent flows (approximately once per year) and that includes the portion of the channel below the floodplain.

BUFFER / BUFFER ZONE. A vegetated area, including but not limited to trees, shrubs, and other herbaceous vegetation, that exists or is established to protect a stream system, wetland, body of water or other aquatic resource, but not including land used for agricultural purposes that is exempt from regulation as set forth in Section 519.21, Ohio Revised Code.

STREAM CHANNEL. Part of a watercourse or a body of water either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished (a) flowing water not directly related to a storm event or (b) hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.

660.020 Applicability. The regulations contained herein shall apply to:

- 1) All proposed development, except for that development which is granted a variance through the submission of a Stream Conservation Plan (as described in this Section);
- 2) All forest harvesting activities;
- 3) All surface mining operations;
- 4) All agricultural operations subject to regulation by the Zoning Commission as set forth in Section 519.21, Ohio Revised Code, unless the agricultural operator submits a Stream Conservation Plan for affected streams, wetlands and forested areas that is acceptable to the Zoning Commission; and
- 5) All other parcels of land, structures, or activities that are causing or contributing to (a) pollution of water resources in the Township as determined by the Zoning Commission, (b) erosion or sedimentation of stream channels, or (c) degradation of aquatic or riparian habitat.

660.030 Buffers. The following standards and rules shall be used to guide the preservation, maintenance and creation of buffer zones adjacent to streams, wetlands and other aquatic resources:

- 1) A buffer zone adjacent to all streams, wetlands, bodies of water or other aquatic resources shall be maintained and preserved when any development or activity is subject to this Section.
- 2) A buffer zone for a stream system shall consist of a forested or otherwise vegetated strip of land extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The buffer zone shall begin at the edge of the stream bank of the active channel of the stream, wetland, body of water, or other aquatic resource.
- 3) The required width for all buffer zones (i.e., the base width) shall be a minimum of one hundred (100) feet on all sides of all streams, wetlands, bodies of water or other aquatic resources, as measured from the edge of the stream bank of the active channel of the stream, wetland, body of water or other aquatic resource. However, the buffer width will be adjusted to include contiguous sensitive areas, such as wetlands, steep slopes (greater than fifteen percent (15%) grade; the width of steep slopes will be measured by a horizontal measurement and not up the slope) or erodible soils, where development or

disturbance may adversely affect water quality, streams, wetlands, or other bodies of water. In such a situation, the Zoning Commission will expand the required buffer beyond the one hundred (100) foot minimum so that the buffer consists of the extent of the contiguous sensitive area plus an additional twenty-five (25) foot zone beyond the edge of the contiguous sensitive area.

- 4) The only permissible uses of the buffer zones are for foot and bicycle paths or other similar low-impact recreational uses as may be approved by the Zoning Commission under a Stream Conservation Plan. Such permissible low-impact recreational uses should, where possible, be kept at least twenty-five (25) feet from the edge of the active channel of streams, wetlands, bodies of water or other aquatic resources. No other development, structures, ponds, septic systems or other waste management systems (whether for residential, commercial, industrial or agricultural use), dumping, or activities or uses shall be permitted in the buffer zones.

660.040 Water Pollution Hazards. The following land uses and activities are designated as potential water pollution hazards and must be set back from any stream, wetland or other body of water by the distance indicated below.

- 1) Storage of hazardous substances - 150 feet
- 2) Above ground or underground petroleum storage facilities - 150 feet
- 3) Drainfields from onsite sewage disposal and treatment systems (e.g., septic systems) - 150 feet
- 4) Raised septic systems - 250 feet
- 5) Solid waste landfills or junkyards - 300 feet
- 6) Confined animal feedlot operations - 250 feet
- 7) Subsurface discharges from a wastewater treatment plant - 100 feet
- 8) Land application of biosolids - 100 feet

660.050 Stream Conservation Plan. If any development, forest harvesting activities, agricultural uses, or other uses or activities will encroach upon or otherwise affect a buffer established under this Section, a Stream Conservation Plan must be submitted to the Zoning Commission. The development, use or activity shall not be permitted until the Zoning Commission reviews the Stream Conservation Plan and authorizes the Zoning Inspector to issue a Certificate of Zoning Compliance.

660.051 Stream Conservation Plan Contents. All Stream Conservation Plans shall contain the following information:

- 1) A topographic map of the area;
- 2) Field delineated and surveyed streams, wetlands, springs, seeps, and other bodies of water (include a minimum of two hundred (200) feet into adjacent properties);
- 3) Field delineated and surveyed forest buffers;
- 4) Limits of the one hundred (100) year floodplain;

- 5) A map showing the location of all soils;
- 6) The location of steep slopes (greater than fifteen percent (15%) grade) for areas adjacent to and within two hundred (200) feet of streams, wetlands, or other bodies of water;
- 7) A narrative of the species and distribution of existing vegetation within the buffer; and
- 8) Such other information as may be necessary to ensure compliance with this Section.

660.052 Certificate of Zoning Compliance Required. Once the Stream Conservation Plan is submitted to the Zoning Commission, the Zoning Commission shall review the plan under the procedures set forth in ARTICLE VII. When it is reviewing a Stream Conservation Plan, the Zoning Commission may, but is not required to, request input from the Franklin County Soil and Water Conservation District. If the Zoning Commission approves, or approves with modifications or conditions, an applicant's Stream Conservation Plan, the Zoning Inspector shall issue a Certificate of Zoning Compliance to the applicant.

660.060 Conflicts of Laws. Development standards from the Stream Buffer Overlay District, the underlying Zoning District, and any other applicable overlay districts shall apply to sites within the Stream Buffer Overlay District. In the event of any conflict between the standards of the underlying Zoning District(s), overlay district(s) and the Stream Buffer Overlay District, the most restrictive standards shall apply.

SECTION 670 PLANNED RESIDENTIAL CONSERVATION OVERLAY DISTRICT REGULATIONS.

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

- 1) Permanently preserve and integrate open space within residential developments;
- 2) Offer landowners alternatives to standard tract development of their land;
- 3) Establish a less sprawling, more efficient use of land, streets and utilities;
- 4) Preserve natural topography in wooded areas;
- 5) Create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- 6) Encourage creativity in design through a controlled process of review and approval of the Development Plan and related documents.

670.011 Jurisdictional Boundaries. The jurisdictional boundaries of the Planned Residential Conservation Overlay District shall be that area of the Township west of the Conrail railroad right-of-way.

670.012 Underlying Zoning District. Permitted and conditional uses within the Planned Residential Conservation Overlay District shall be those of the underlying Zoning District unless the Township approves a Development Plan (as set forth in this Section 670) of an owner of property within the underlying Zoning District to subject the owner's property to the provisions of the Planned Residential Conservation Overlay District.

If the Board of Township Trustees determines that the final Development Plan complies with the provisions of this Section 670, it shall approve the Development Plan and cause the Township Zoning Map to be changed so that the underlying Zoning District no longer applies to such property, with the property being thenceforth located in the Planned Residential Conservation Overlay District and subject to the regulations thereunder. The approval of the Development Plan and the removal of the prior underlying Zoning District from the Township Zoning Map is an administrative, ministerial act and shall not be considered to be an amendment to this Zoning Resolution.

670.013 Permitted Uses. Permitted uses within the Planned Residential Conservation Overlay District shall be:

- 1) Single-family detached residential dwelling units;
- 2) Common wall single-family attached dwellings;
- 3) Two-family dwellings;
- 4) Multi-family dwellings, provided they comprise no more than twenty percent (20%) of the total allowable density; and
- 5) Open Space – upon approval of a final Development Plan by the Township, the following types of activities are permitted within open space, including but not limited to:
 - a) Bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the Development Plan and approved by the Township. All open space lands shall be permanently owned as provided in Section 670.050.
 - b) Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph a) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
 - c) Natural open space area – restricted to passive uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture is a permitted use in a natural open space area provided that it does not entail any form of animal husbandry.

670.020 Conservation Subdivisions. As used in this Section, a Conservation Subdivision is an open space development permitted by the PLANNED RESIDENTIAL CONSERVATION OVERLAY DISTRICT REGULATIONS and designed in accordance with the following suggested objectives:

- 1) Suggested design process:

- a) Delineate primary conservation areas and preserve as natural open space;
 - b) Delineate secondary conservation areas and preserve as common or natural open space; and
 - c) Draw house footprints outside the conservation areas. Draw the number of houses, with lot lines, based upon the permitted density calculations in 670.040.
- 2) Suggested design guidelines:
- a) In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. New construction on prominent hilltops or ridges should be avoided.
 - b) Front dwellings on internal roads, not on external roads.
 - c) Eight-five percent (85%) or more of the total number of house lots should have a direct view of common open space.
 - d) Retain or replant native vegetation adjacent to wetlands and surface waters.
 - e) Preserve existing hedge and tree lines to the extent practicable.
 - f) Preserve scenic views and vistas.
 - g) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
 - h) Preserve historic or archaeological sites (e.g. earthworks, burial grounds, etc.).
 - i) Landscape or retain vegetation in common areas with native trees and shrubs.
 - j) Place shade trees along internal roads at fifty (50) foot intervals on at least one side of the road.
 - k) Provide active recreational areas in suitable locations.
 - l) Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide asphalt bike and walking path throughout the development.
 - m) Protect natural drainage streams, creeks, and other wetlands. No construction of buildings inside the one hundred (100) year floodplain.
 - n) Provide permanent open space in accordance with Section 670.040(2).

670.030 Approval. A Conservation Subdivision in the Planned Residential Conservation Overlay District shall be approved through the following process:

- 1) Prepare an existing features (site analysis) map.

- 2) Submit existing features (site analysis) map with informal consultation fee – The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a Conservation Subdivision with the Zoning Commission. The applicant shall also schedule an agreeable time to jointly visit the site for an on-site walkabout.
- 3) On-site walkabout – The applicant, the Zoning Inspector, one member of the Zoning Commission and one member of the Board of Township Trustees may visit and view the site, at which time the primary and secondary conservation areas shall be identified. Members of the public in attendance wishing to walk the site shall execute a release of liability in favor of the Township, the applicant, and the property owner.
- 4) Conceptual Development Plan – At the completion of the on-site walkabout, a conceptual Development Plan should be quickly sketched on the existing features (site analysis) map by the applicant or its consultant for impromptu comments from those in attendance. Based upon such comments, a formal Development Plan can be prepared for a public hearing. No binding decisions or votes are made at the on-site walkabout.
- 5) Prepare final Development Plan – Applicant shall prepare and submit a final Development Plan, with twelve (12) copies and application fees, to the Zoning Commission. The Zoning Commission shall schedule a public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The failure of delivery of such notice shall not invalidate any action taken on the Development Plan. The Zoning Commission may request comments on the Development Plan from the Mid-Ohio Regional Planning Commission.

The applicant may, if it chooses, submit a preliminary Development Plan along with an informal consultation fee to test the appropriateness of its design and its general attention to the development standards of Section 670.040 prior to submitting a final Development Plan. Such a preliminary Development Plan may be reviewed by the Zoning Commission and/or the Board of Township Trustees, who may comment on the record to the applicant. If the Township holds public hearings to review the preliminary Development Plan they shall comply with Ohio's open meeting laws and abutting property owners shall be notified.

The final Development Plan shall be drawn to a scale of at least one inch (1") to one hundred feet (100'), and it shall include in text and map form the following:

- a) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- b) A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
- c) An explanation of the method, structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
- d) The proposed uses of the site, including the limitations or controls to be placed on each part.
- e) Implemented design guidelines from Section 670.020.

- f) Location of buildings and structures.
- g) Streets, roadways, pathways, sidewalks, and parking areas.
- h) Existing utility easements and proposed new easements to the extent known.
- i) Proposed lot sizes.
- j) Minimum setback and spacing requirements.
- k) Recreational facilities.
- l) Preserved open space areas and a description of proposed open space improvements.
- m) All commonly owned structures.
- n) A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs, or trees intended to be used.
- o) Dwelling unit types, the total number of dwelling units proposed for the site density, and the method and manner used to calculate density.
- p) Locations of stream channels, watercourses and wooded areas. Buffer zones as defined in Section 660 of this Zoning Resolution shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on the Development Plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the one hundred (100) year floodplain as mapped by the Federal Emergency Management Agency on the Flood Insurance Rate Maps for Franklin County.
- q) The extent of environmental conservation by indicating the location of all woodland preservation areas and natural topography preservation areas.
- r) Architectural design guidelines including materials, colors, and typical renderings for structures and proposed procedures for controlling architectural design elements.
- s) Signs, with specific renderings of the elevations.
- t) The proposed provisions for water supply, fire hydrants, sewage disposal, and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- u) A preliminary traffic impact analysis based upon new trip generation.
- v) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

- w) Identification and location of all land dedicated to schools, parks, and other public facility sites within or adjacent to the site.
 - x) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
 - y) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 - z) Unless specifically superseded by the standards contained in this Section 670 or those standards approved in the Development Plan, the development shall comply with the requirements contained in the General Development Standards contained in Article V of this Zoning Resolution applicable to all zoning districts. Except for density limitations and the percentage of required open space, the applicant may request a divergence by the Township from the development standards set forth in this Section 670 or in Article V. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved "per plan."
 - aa) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained, as well as the open space.
 - bb) The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor, and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio and shall stamp their individual plans.
- 6) Public hearing - The Zoning Commission, after giving proper notice, shall hold a public hearing on the request within a reasonable period of time after receipt of the final Development Plan and submission of application fees.
 - 7) Action by the Zoning Commission - The Zoning Commission may approve divergences they find are warranted by the design and amenities incorporated in the Development Plan. The Zoning Commission shall recommend approval of the final Development Plan provided it determines that the Development Plan complies with the standards of Section 670.040 and the process of Section 670. If the Zoning Commission finds that the Development Plan does not meet the standards of Section 670.040 and the provisions of Section 670, or that divergences requested are not warranted, they shall deny the Development Plan or the divergences. This completes the Zoning Commission's actions, and they shall forward the Development Plan to the Board of Township Trustees for their review.
 - 8) Action by the Board of Township Trustees - Upon receipt of the Development Plan and the Zoning Commission's recommendations, the Board of Township Trustees shall hold a

properly advertised public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The Board of Township Trustees shall uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Board of Township Trustees to uphold or modify the Zoning Commission's recommendation. A unanimous decision of the Board of Township Trustees is required to overturn the Zoning Commission's recommendation.

- 9) Subdivision Plat - No Zoning Certificate shall be issued for any structure in any portion of a Planned Residential Conservation Overlay District for which a plat is required by the Subdivision Regulations of Franklin County, Ohio unless and until:
 - a) The final subdivision plat for that portion has been approved by the Franklin County Planning Commission, the Franklin County Commissioners and then recorded.
 - b) A full size and an 11" x 17" copy of the recorded plat have been filed with the Zoning Inspector.

No modification of the provisions of the final Development Plan, or part thereof, as finally approved shall be made unless the provisions of Section 670.060 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

- 10) Zoning Certificate - After the final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a Zoning Certificate upon payment of the required fees and submission of the detailed landscaping plan for each lot. The Zoning Certificate for a Conservation Subdivision in the Planned Residential Conservation Overlay District shall be for a period not to exceed three (3) years or that period approved in the final Development Plan. If significant construction, meaning the physical placement of roads or foundations, has not begun within three (3) years after final Development Plan approval is granted or within the time period approved in the final Development Plan, then the final Development Plan approval shall be void. In such case, the Planned Residential Conservation Overlay District zoning and map amendment remain in place, but a Development Plan must be resubmitted for approval.

670.040 Requirements. A Conservation Subdivision in the Planned Residential Conservation Overlay District shall meet the following requirements:

- 1) The minimum tract size for a Conservation Subdivision shall be ten (10) acres.
- 2) Open space – Unless an exception as provided in Section 670.040(3) is granted by the Township, at least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space that is not to be further developed. Open space locations and uses shall be identified on the Development Plan and shall be subject to the approval of the Township. Open space shall be owned, administered and maintained as identified on the Development Plan pursuant to Section 670.050 of this Zoning Resolution.

With prior consent through resolution of the Board of Township Trustees, land may be transferred to the Township for public uses if approved as a part of the final Development Plan. Such public uses of land transferred to the Township may include, but are not

limited to, trails, active recreation and spray irrigation fields. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Board of Township Trustees. Land dedicated to public uses may count toward the open space requirement if approved on the Development Plan.

- a) At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) of the open space shall be utilized for that purpose. The Development Plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the Development Plan.
 - b) In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
 - c) The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land application" sewage disposal system as approved per the Development Plan.
 - d) Primary conservation areas, storm water management detention/retention ponds, constructed wetlands acting as detention basins, and sewage treatment areas may count in their combined aggregate for up to fifty percent (50%) of the required open space.
 - e) Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.
- 3) Determining the number of dwelling units permitted, and the percent of open space – The number of dwelling units is dependent on the provision of a centralized sanitary sewer (which is any sanitary sewer system, other than an individual septic tank tile field, that is operated by a municipality, governmental agency, or a public or private utility for the collection, treatment and disposal of wastes; or an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region):
- a) For land not serviced by centralized sanitary sewer, multiply the number of gross acres times sixty-six hundredths (0.66) dwelling unit per gross acre to obtain the maximum number of permitted dwelling units. Provide fifty percent (50%) of the gross acreage in permanent open space.
 - b) For land served by centralized sanitary sewer, multiply the gross acreage to be developed by seventy-five hundredths (0.75) dwelling unit per gross acre to obtain the maximum number of dwelling units permitted. Provide fifty percent (50%) of the gross acreage in open space.

- c) Density exception: For land served by centralized sanitary sewer where the existing features (site analysis) map shows that the sum of all steep slopes (greater than fifteen percent (15%) grade), floodplains, wetlands, and/or overhead electric transmission line easements comprises less than ten percent (10%) of the gross land acreage, the Township shall allow a density exception to a maximum of eighty-five hundredths (0.85) dwelling units per gross acre with forty percent (40%) of the gross acreage in open space, in return for which the applicant shall commit to the reforestation, seeding of native plants and creation of ponds in these open spaces. This additional density is granted in order to offset the costs of reforestation, plantings, water features, regrading and exceptional horticultural techniques needed to recreate adequate natural landscape buffers, and secondary conservation areas that do not exist naturally in order to meet the intent of a Conservation Subdivision under Section 670.
- 4) Sewage disposal – For centralized sanitary sewer usage, a feasibility letter shall be provided by the Franklin County Sanitary Engineer indicating that sewer service is available with the capacity needed. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Franklin County Board of Health or the Ohio EPA.
 - 5) Perimeter setback – No building shall be constructed within fifty (50) feet of the external boundary of the Conservation Subdivision.
 - 6) Storm water – No features shall be designed which are likely to cause erosion or flooding.
 - 7) Subdivision standards – Public streets and all drainage improvements shall conform to the Subdivision Regulations for Franklin County, Ohio or as otherwise approved per the final Development Plan.
 - 8) Pavement standards for condominium drives – All condominium drives that are not dedicated for public maintenance shall have a design life of twenty (20) years.
 - 9) Pavement standards for parking lots – Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road.
 - 10) Paths – A five (5) foot wide asphalt walking or bike path is required for Conservation Subdivisions of more than fifteen (15) lots. Paths shall be separated from the paved street surface by at least five (5) feet of landscaped or grassed strip. The Township may require paved or unpaved walkways to connect residential areas and open spaces.
 - 11) Street trees – Deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
 - 12) Minimum front setbacks – Dwelling units and garages shall be set back a minimum of forty (40) feet from the street right-of-way.

- 13) Minimum lot size – Twelve thousand (12,000) square feet for single-family detached dwellings on fee simple ownership lots, or as otherwise approved on the final Development Plan. Attached dwelling units or detached condominiums as approved per the final Development Plan.
- 14) Minimum lot width at the building line –
 - a) Eighty (80) foot lot widths may be used for a maximum of thirty percent (30%) of the total single-family lots.
 - b) Ninety (90) foot lot widths may be used for a maximum of thirty percent (30%) of the total single-family lots.
 - c) One hundred (100) foot or wider lots shall be used for at least forty percent (40%) of the total single-family lots or as otherwise approved per the final Development Plan.
- 15) Minimum side yards – Twelve and one-half (12 1/2) feet each side for single-family and common wall single-family units and their garages, with no encroachments. For multi-family or non-residential structures the minimum separation between buildings units shall be thirty (30) feet.
- 16) Driveway setbacks – Minimum of two (2) feet from side lot line. Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot side lot line for single-family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final Development Plan.
- 17) Minimum rear yard – Thirty (30) feet for single-family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached units or detached condominiums as approved per the final Development Plan.
- 18) Building height requirement – No principal building in this Planned Residential Conservation Overlay District shall exceed thirty-five (35) feet in height, as stated in Section 503, unless a Conditional Use Permit is granted under Section 815.
- 19) Minimum dwelling unit floor area – Eleven hundred (1,100) square feet per dwelling unit.
- 20) Street lighting – If street lighting is provided, it must be of white light, having a maximum height of sixteen (16) feet, and with a cutoff downward cast fixture.
- 21) Landscaping – All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and it shall be submitted with and approved as a part of the final Development Plan.
- 22) Parking – Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street

parking shall comply with the provisions of Section 531 of this Zoning Resolution, or as approved per the Development Plan.

- 23) Signs – All signs shall be in accordance with Section 541 of this Zoning Resolution, or as approved per plan.
- 24) Other requirements – Unless specifically supplemented by the standards contained in this Section 670 or by those standards approved by divergence in the Development Plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in Article V of this Zoning Resolution.
- 25) Supplemental conditions and safeguards – If the Township determines that additional landscaping is needed to buffer existing land uses they may require such as part of the Development Plan approval.
- 26) Divergences – The Township, as a part of Development Plan approval, may grant divergences from any standard or requirement in this Section 670 with the exceptions of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved "per plan."

670.050 Open Space. The following standards shall apply to the ownership and maintenance of open spaces within a Conservation Subdivision established in the Planned Residential Conservation Overlay District:

- 1) Ownership of open space – Different ownership and management options apply to the permanently protected common open space created through the development process.

The common open space shall remain in perpetuity and may be owned as identified in this Section 670.050. A public land dedication, not to exceed ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

- 2) Ownership standards – Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township.
 - a) Offer of Dedication – The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to, accept undivided common open space provided:
 - i) Such land is accessible to all of the residents of the Township;
 - ii) There is no cost of acquisition other than incidental costs related to the transfer of ownership; and
 - iii) The Township agrees to maintain such lands.

Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure the structural integrity of the improvements for a term not to exceed eighteen (18) months.

- b) Homeowners associations – The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The homeowners association shall be formed and operated under the following provisions:
- i) The developer shall provide a description of the homeowners association, including its bylaws and the methods for maintaining the common open space.
 - ii) The homeowners association shall be organized and operated by the developer before the sale of any lots within the development.
 - iii) Membership in the homeowners association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the homeowners association from developer to homeowners shall be identified.
 - iv) The members of the homeowners association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the bylaws of the homeowners association, and the homeowners association shall be authorized to assess dues for the payment of each member's share.
 - v) The homeowners association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The homeowners association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their homeowners association dues in a timely manner. Such liens may impose a penalty of interest charges.
 - vi) In the event of a transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
 - vii) The homeowners association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
 - viii) The homeowners association may lease common open lands to any other qualified person or corporation for operation and maintenance of common open space lands, but such a lease agreement shall provide:

- A) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
- B) That the undivided common open space shall be maintained for purposes set forth in the approved final Development Plan; and
- C) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or the homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths or walkways.

The lease shall be subject to the approval of the board of the homeowners association, and any transfer or assignment of the lease shall be further subject to the approval of the board of the homeowners association. Lease agreements shall be recorded with the Franklin County Recorder's office, and notification shall be provided to the Board of Township Trustees within thirty (30) days of action by the board of the homeowners association.

- c) Condominiums – The undivided common open space and associated facilities may be controlled through the use of condominium agreements that are approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- d) Dedication of easements – The Township may, but shall not be required to, accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
 - i) Such land is accessible to Township residents;
 - ii) There is no cost of acquisition other than incidental transfer of ownership costs; and
 - iii) A satisfactory maintenance agreement is reached between the developer, association and the Township.
- e) Transfer of easements to a private conservation organization – With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
 - i) The organization is acceptable to the Township, and it is a bona fide conservation organization with perpetual existence; and

- ii) The conveyance contains whatever provisions are agreed to between the Board of Township Trustees, the owner and the organization.
 - f) Third party ownership – With the approval of the Township, open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or (ii) unalterable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved Development Plan. Open space land to be transferred to a third party other than a homeowners association, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.
- 3) Maintenance of open spaces
- a) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, or fee arrangements. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
 - b) In the event that an organization established to own and maintain a common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and in a condition in accordance with the final Development Plan, the Board of Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in a reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and it shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Board of Township Trustees may modify the terms of the original notice, add to the deficiencies, and give an extension of time within which they shall be cured.

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

670.060 Extension or Modification of Final Development Plan. The following standards shall apply to request to modify or extend the deadline on a final Development Plan for a Conservation Subdivision that has already been approved by the Township:

- 1) An extension of the time limit for an approved final Development Plan may be granted by the Zoning Commission without public hearing provided that they first find that such an extension would not be in conflict with the public interest.
- 2) A request for minor changes to the final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Zoning Commission, who shall make a recommendation and pass it on to the Board of Township Trustees. In approving such requests, the Board of Township Trustees may impose such conditions,

safeguards and restrictions in order to carry out the purpose and intent of this Section 670.

- 3) In the case of a request for a modification or amendment to the final Development Plan that represents a substantial departure from the intent of the original proposal, such modification or amendment shall be subject to the same procedure and conditions of approval as the original Development Plan. The following shall be considered substantial departures from the original Development Plan:
- a) A change in the use or character of the development;
 - b) An increase in overall coverage of structures;
 - c) An increase in the density or overall number of dwelling units;
 - d) An increase in the problems of traffic circulation or public utilities;
 - e) A reduction in approved open space;
 - f) A reduction of off-street parking and loading space;
 - g) A reduction in required pavement widths; and
 - h) A reduction of the acreage of a Conservation Subdivision in the Planned Residential Conservation Overlay District.

In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this Section 670.

670.070 Conflicts of Laws. Development standards from the underlying Zoning District and any other applicable overlay districts shall apply to sites within the Planned Residential Conservation Overlay District. In the event of any conflict between the standards of the underlying Zoning District(s), other overlay district(s) and the Planned Residential Conservation Overlay District, the most restrictive standards shall apply except where this Section 670 explicitly provides otherwise.

ARTICLE VII ADMINISTRATION

SECTION 705 ENFORCEMENT OF REGULATIONS.

705.010 Zoning Inspector. This Zoning Resolution shall be administered and enforced by the Zoning Inspector or his designated representative who shall be appointed by the Board of Township Trustees as is prescribed by Section 519.16, Ohio Revised Code, and is hereby empowered:

705.011 Certificate of Zoning Compliance. To issue a Certificate of Zoning Compliance when these regulations have been followed or, to refuse to issue the same in the event of non-compliance.

705.012 Collection of Fees. To collect the designated fees as set forth in this Zoning Resolution for copies of this Zoning Resolution, Certificates of Zoning Compliance, Application for Amendment or Changes, Appeal, Variance and Conditional Use.

705.013 Making and Keeping of Records. To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance and of receipt of complaints of violation of this Zoning Resolution and action taken on the same.

705.014 Inspection of Building or Land. To inspect any building or land to determine whether any violations of this Zoning Resolution have been committed or exist.

705.015 Enforcement. To enforce this Zoning Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and may request the Franklin County Prosecuting Attorney to commence appropriate action.

705.016 Advise Zoning Commission. To keep the Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Resolution and to transmit all applications and records pertaining to supplements and amendments.

705.017 Advise Board of Zoning Appeals. To keep the Board of Zoning Appeals advised of all matters pertaining to Conditional Use Permits, Appeals or Variances and to transmit all applications and records pertaining thereto.

705.020 Certificate Of Zoning Compliance. No occupied or vacant land shall hereafter be changed in its use in whole or part until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector. No activity resulting in a disturbance equal to or greater than one acre of occupied or vacant land shall hereafter be permitted until the Certificate of Zoning Compliance has been issued by the Zoning Inspector. No existing or new structures, including principal and accessory structures, existing use of a lot or portion thereof shall hereafter be changed in its use in whole or in part until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector. Based upon the extent of the proposed change and the potential impact(s) on the immediate area, the Zoning Inspector shall have the discretionary authority to require any application for a Certificate of Zoning Compliance to be evaluated for approval or disapproval by the Zoning Commission at the next regularly scheduled meeting. This section shall in no way be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no alterations or additions are proposed for such structure or accessory structures.

705.021 For purposes of this Zoning Resolution, changes or alterations involving any non-conforming structure and/or accessory development (see SECTION 110.42) shall result in the modification of all other non-conforming structures and accessory development on the lot or lots involved in the Application for a Certificate of Zoning Compliance so that any alteration, re-construction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.

705.022 Building Permit. No building permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved.

705.023 Application for Certificates. Each application for a Certificate of Zoning Compliance for new development shall be accompanied by a site plan in triplicate drawn to scale, prepared by a professional engineer, surveyor or architect, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- (1) The actual dimensions of the lot including easements.
- (2) The exact size, location and height of all existing buildings on the lot.
- (3) The existing and intended use of all parts of the land or buildings.
- (4) Existing zoning on the subject tract and on all adjacent lots.
- (5) Existing and/or proposed parking spaces, traffic, flow, wheel stops, access drive(s) and parking set-backs.
- (6) The proposed provisions of water and waste water treatment and disposal facilities, including a written indication of at least preliminary approval of such provisions from the applicable or state regulatory agency.
- (7) Existing and proposed screening as required by Section 521 of this Zoning Resolution.
- (8) Existing and proposed signs including lighting and size detail.
- (9) The proposed provision of surface and subsurface drainage features and facilities. Refer to the Franklin County Subdivision Regulations. A grading and drainage plan and storm sewer layout, to include existing and proposed surface and subsurface drainage features shall be submitted indicating how storm runoff will be handled.
- (10) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.
- (11) The requirements of Sections 705.023 or portions thereof, may be waived by the Zoning Inspector when, in his opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed.

Applications for Certificates of Zoning Compliance must comply with applicable local and state requirements and regulations. These may include, but are not limited to, the Franklin County Storm Water Drainage Manual if the proposal will disturb one or more acres of land, Franklin County Public Health Regulations, Franklin County Sanitary Engineer requirements, Franklin County Drainage Engineer requirements, Franklin County Engineer requirements and requirements of the applicable Ohio Environmental Protection Agency Construction Permit.

705.0231 Informal Consultations. The applicant is encouraged to engage in informal consultations with the Zoning Commission prior to formal submission of an application, it being understood that no statement by officials of the township shall be binding upon either. Such informal consultation would occur at a meeting of the Zoning Commission and should, at a minimum, address the following: drainage, traffic, need for any variances and proposed zoning district.

705.0232 Adjacent Political Subdivisions. In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the planning commission or the zoning commission of that jurisdiction. The applicant shall provide the zoning inspector with a county certified copy of records indicating the adjacent political subdivisions as well as the addresses and names of the zoning commissions. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the zoning commission.

705.024 Fees. When making application for a Certificate of Zoning Compliance, the investigation and compliance fees shall be paid in accordance with the Schedule of Fees Resolution as adopted by the Board of Township Trustees.

705.025 Issuance of Certificates of Zoning Compliance. Certificates of Zoning Compliance shall be issued or refusal thereof given within seven (7) working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

705.026 Validity of Certificates of Zoning Compliance. Certificates of Zoning Compliance shall be valid for construction commenced within six (6) months of issuance. If no construction is commenced within that period of time the Certificate of Zoning Compliance is thereafter void. All construction must be completed within one (1) year after commencement.

705.027 Structures Placed on Real Property. No residential or other structure shall be constructed or placed on real property subject to this Zoning Resolution without the owner thereof first depositing a bond, or cash, with the Board of Township Trustees of Washington Township. The amount of such deposit shall be specified by the Board of Township Trustees. Such amount shall be equal to the cost of complying with all requirements relating to affixing the structure to the real property, including but not limited to providing the appropriate foundation and water and sewerage treatment. The deposit shall be returned in full upon issuance of a Certificate of Zoning Compliance.

SECTION 710 PENALTIES FOR VIOLATION.

710.010 Penalty For Violation Of Zoning Resolution. Any person violating any provision of any article of this Zoning Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519.99, Ohio Revised Code.

SECTION 715 AMENDMENTS OR SUPPLEMENTS TO ZONING RESOLUTION.

715.010 Change Or Amendment By Board Of Township Trustees. The Board of Township Trustees may change or amend the text of this Zoning Resolution, the Zoning District Map or the Special District Map.

715.011 Initiation by Resolution. Proposed changes or amendments may be initiated by the Board of Township Trustees by resolution or by motion of the Zoning Commission.

715.012 Initiation by Application. Proposed changes or amendments may be initiated by one or more owners or lessees of land within the area proposed to be changed or affected by the proposed amendment or change of the Zoning Resolution.

715.013 Resubmission of Application. If a proposed amendment or supplement initiated by application is disapproved by the Board of Township Trustees, another application for amendment or supplement affecting the land included in the disapproved application shall not be submitted by the same applicant or by any person or entity controlled by that applicant within one (1) year from the date of disapproval, except with a statement by the Zoning Commission of changed or changing conditions affecting the land sufficient to warrant consideration.

715.050 Initiation Of Action By Owner Or Lessee Of Land. Two (2) copies of a provided application form shall be filed with the Zoning Commission.

715.051 Application. The application for any proposed change or amendment shall contain:

- 1) A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Zoning District Map or Special District Map.
- 2) A description by map or text of the property to be affected by the proposed change or amendment.
- 3) A statement of the relation of the proposed change or amendment to the general health, safety and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.

A list of owners of property within, contiguous to, and directly across the road from and all other property owners within two hundred (200) feet of such area proposed to be rezoned. Such list shall be in accordance with the Franklin County Auditor's current real estate tax list.

715.052 Fees. A fee paid in accordance with the Schedule of Fees Resolution adopted by the Board of Township Trustees shall be paid to the Township for each change or amendment to cover the necessary administrative and advertising costs.

SECTION 716 PROCEDURE FOR CONSIDERATION OF PROPOSED CHANGE OR AMENDMENT.

716.010 Establishment Of Public Hearing By Zoning Commission. Upon the certification of such resolution by the Board of Township Trustees, the adoption of such motion by the Zoning Commission or the filing of such application for a proposed change or amendment of the text of this Zoning Resolution, the Zoning District Map or Special District Map, the Zoning Commission shall set a date for a public hearing.

716.011 Hearing Date. The date for a public hearing shall be set for not less than twenty (20) days nor more than forty (40) days from the date of the resolution, motion or application.

716.012 Notice of Hearing. Notice setting forth the time and the place of such hearing and the nature of the proposed change or amendment shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such public hearing.

If the proposed change or amendment intends to affect (rezone or redistrict) ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the road from such area and all other property owners within two hundred (200) feet of such area affected by the proposed change or amendment. Such notice is to be mailed to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list.

716.013 Notice to Reviewing Agency. One (1) copy of the proposed change or amendment, together with text and map pertaining thereto, shall be forwarded to the reviewing agency authorized by

state law to perform the technical review within five (5) days from the date of the resolution, motion or application.

716.020 Action By Reviewing Agency. The reviewing agency authorized by state law to perform the technical review shall consider the proposed change or amendment and make recommendations concerning the approval, denial or some modification thereof to be considered by the Zoning Commission.

716.021 Staff Review. The staff of the reviewing agency authorized by state law to perform the technical review together with other appropriate agencies or bodies shall present to the reviewing agency a written report including all apparent facts, implications and conclusions concerning the proposed change or amendment.

716.022 Consideration. The reviewing agency shall consider approval, denial or some modification of the proposed change or amendment as such proposal in the reviewing agency's judgment relates to the general health, safety and welfare of the public as set forth in plans for the area and to this end encourages appropriate use of the land within the existing and future development of the area.

716.023 Recommendation. The recommendation of the reviewing agency shall be submitted to the Zoning Commission for consideration at a public hearing.

716.030 Action By The Zoning Commission. After a public hearing, the Zoning Commission shall act on a proposed change or amendment. The Zoning Commission may have alternative members as defined by the Ohio Revised Code §519.04 if and when the necessity should occur.

716.031 Consideration. The Zoning Commission shall consider the approval, denial or some modification of the proposed change or amendment as such proposal in the Zoning Commission's judgment advances the general health, safety and morals of the public by encouraging appropriate use and development of the land affected and the comprehensive or overall development of the surrounding areas. The Zoning Commission

716.032 Recommendation. Within thirty (30) days after the public hearing, the Zoning Commission shall submit to the Board of Township Trustees a recommendation of approval, denial or some modification of the proposed change or amendment including a statement of reasons for such recommendation, together with such resolution or application, the text and map pertaining thereto, and the recommendation of the reviewing agency.

716.040 Action By The Board Of Township Trustees. Upon receipt of such recommendation concerning proposed change or amendment the Board of Township Trustees shall set a time for a public hearing.

716.041 Hearing Date. The date for a public hearing shall be set for not more than thirty(30) days from the date of the receipt of such recommendation from the Zoning Commission.

716.042 Notice of Hearing. Notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of the public hearing.

Written notice by first class mail shall be given as set forth in Section 519.12, Ohio Revised Code.

716.043 Final Action. Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof.

In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Township Trustees shall be required.

716.044 Date of Effect. Such change or amendment as the Board of Township Trustees shall adopt shall become effective in thirty (30) days after the date of such adoption unless within such thirty (30) day period there is presented to the Board of Township Trustees a petition, as set forth in Section 519.12, Ohio Revised Code, requesting the Board of Township Trustees to submit the proposed change or amendment to referendum vote.

SECTION 720 DEFINITIONS.

720.010 Definition of Words. Except where specifically defined herein, all words used in this Zoning Resolution shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word structure includes the word building; the word lot includes the word plot or parcel; the term "shall" is always mandatory; the words "used" or "occupied," as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

720.011 Specifically Defined Words. The following listed words are specifically defined for use in this Zoning Resolution.

ACCESSORY USE OR STRUCTURE. Accessory use or structure means a subordinate use, building or structure located on the same lot with and of a nature incidental to the principal use, building or structure.

ADULT BOOK STORE. Adult Book Store means an establishment deriving twenty-five (25%) or more of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films, VCR tapes, or mechanical or non-mechanical devices, which constitute Adult Materials.

ADULT MATERIAL. Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or audio tape, video tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

(1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

(2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.

ADULT MOTION PICTURE THEATER. Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting and deriving twenty-five (25%) or more of its gross income from Adult Material for observation by patrons therein.

ADULTS ONLY ENTERTAINMENT ESTABLISHMENT. Adults Only Entertainment Establishment means an establishment which features services which constitute Adult Material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute Adult Material.

ALLEY. Secondary accessway of not less than twenty (20) feet in width dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ANIMAL WASTE. Animal excreta, discarded products, bedding, wash waters, waste feed, and silage drainage.

BOARD OF ZONING APPEALS. The Washington Township Board of Zoning Appeals.

BORROW PIT. A lot or parcel of land or part thereof used for the purpose of extracting sand, gravel or topsoil for sale or use on another premises, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a Building Permit has been made.

BOTTOMLESS. Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

BUILDING. A structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

BUILDING, HEIGHT OF. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building and the center line of any street when measured perpendicularly thereto.

CHILD CARE. Any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft.

COMMUNITY-BASED CARE FACILITY. "Community-based care facility" means the use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board, and care in a residential setting to not less than three (3) and no more than ten (10) residents thereof who live together in such a facility as a single housekeeping unit and whose disabilities or status limit their ability to live independently, and only secondarily for training, rehabilitation, and non-clinical services. The term excludes use as a social and cultural institution as listed in Section 640.023, food and lodging establishments as defined in Section 322.034, day care centers for children and/or adults, nursery schools, dormitories, clinics, institutions, hospitals, nursing homes, convalescent homes, and other similar uses. Rooming houses, boarding houses, and other single-family and multiple-family residential units which house persons who live independently shall not be classified as a community-based care facility.

CONCENTRATED ANIMAL FEEDING OPERATION. An animal feedlot and animal waste management facilities and land application areas for managing and disposal of animal wastes related to operation of the feedlot.

DETONABLE MATERIALS. Generally unstable materials having the propensity to explode violently from a moderately irritating force. Examples of such materials include, but are not limited to, Fulminates, nitrocellulose, black powder, dynamite, nitroglycerine, ozonides, perchlorates, gasoline, fuel oil, and other flammable gases and vapors.

DEVELOPMENT DISABILITY. "Developmental disability" means having a disability that continues or can be expected to continue indefinitely, and constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to one of the following:

- (1) Mental retardation, cerebral palsy, the epilepsy, or autism;
- (2) Any other condition found to be closely related to mental retardation because it results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons and requires treatment and services similar to those required for such persons;
- (3) Dyslexia resulting from a disability described in this definition. As used herein "special handicap" means a handicap that results in significant deficiencies in two or more areas of adaptive behavior. Individuals are developmentally disabled, under this definition, when deficiencies in two or more areas of adaptive behavior are commensurate with those of an individual diagnosed as moderately, severely, or profoundly mentally retarded.

DISTURBANCE. Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

DRIP-LINE. Critical root zone of a tree. The critical root zone includes all roots from the trunk as they extend to the edge of the tree canopy.

DWELLING, APARTMENT. A building arranged or intended for four (4) or more families living independently of each other in separate dwelling units, any two (2) or more provided with a common entrance or hall and all dwelling units are intended to be maintained under single ownership or owned under condominium.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with separate entrances.

DWELLING, UNIT. A "dwelling unit" means one or more rooms arranged, intended or designed for the primary purpose of independent residential occupancy by the individuals residing therein who live together in such a unit as a single housekeeping unit for living and sleeping purposes, and containing cooking facilities for the exclusive use of such occupants residing therein, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, living and sleeping facilities.

EPA. Environmental Protection Agency, Federal and State.

FENCE ROW. See "tree line."

FLOOD. A temporary rise in stream flow or stage that results in inundation of the area adjacent to the channel.

FLOODPLAIN. The areas adjoining a watercourse, which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

FLOOD PROOFING. A combination of structural provisions, changes or adjustments to properties and buildings subject to flooding, primarily for the reduction or elimination of flood damages or properties, water and sanitary facilities, buildings and their contents in a flood hazard area.

FLOODWAY. The channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

FLOODWAY FRINGE. That portion of the regulatory floodplain outside of the floodway.

INTENSE BURNING MATERIALS. Materials having the propensity to burn with great intensity by virtue of characteristics such as low ignition temperature, high rate of burning and large heat evolution. Such materials include, but are not limited to, manganese, pyrotechnics and pyroxylin.

LAND USE PLAN. The Washington Township Land Use Plan adopted by the Board of Township Trustees April 27, 1993.

LOT, MINIMUM. A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Zoning Resolution, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

LOT, DEPTH OF. The average of front and rear lot lines.

LOT LINE. A line bounding or demarcating a plot of land on ground as established by a plat of record.

LOT WIDTH. The average horizontal distance between side lot lines.

MENTAL RETARDATION. Having significantly sub-average general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

NON-CONFORMING USE. A legal use of building and/or of land that antedates the adoption of these regulations and does not conform to the regulations for the Zoning District in which it is located.

NUDE (NUDITY). Nude (Nudity) means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

NURSERY. A place or piece of ground on which young trees, shrubs or other plants are grown for sale.

ODOR. A scent of spicy, flowery, fruity, resinous, foul or burnt character of sufficient intensity and duration to be irritating to one or more individuals.

OPAQUENESS. The degree to which a wall, fence, structure, landscaping, or closing is solid or impenetrable to light or vision in a general uniform pattern over its surface.

PARTICULATES. Fine particles, either solid or liquid, which are small enough to be dispensed or otherwise carried into the atmosphere.

PHYSICAL HANDICAP. Having a physical condition which is a substantial impediment to a person's activities or functions and which is of such a nature that, if not corrected, will continue to result in limiting a person's activities or functioning.

POLLUTION. Failure to use management or conservation practices in farming or livestock-keeping operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by animal waste or soil sediment including pollutants attached thereto.

PUBLIC UTILITY. Public utility means any water, sewer, gas, drainage, or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber, wire, cable, or operator thereof, or public utility as defined under Ohio law.

RECREATIONAL VEHICLE. A recreational vehicle is a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes. This definition shall include but is not necessarily limited to campers, travel trailers, truck campers, and motor homes.

REGULATORY FLOODPLAIN. A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the base flood.

REGULATORY FLOOD PROTECTION ELEVATION. A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by the floodplain regulations are required to be elevated or flood-proofed.

RESIDENTIAL ZONING DISTRICT OR USE. Any residential zoning district as listed in SECTION 201, ARTICLE II or any area where a person may reside.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. Vaginal intercourse between a male and a female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals, when in a state of sexual stimulation or arousal.

STATE. State shall mean the State of Ohio.

STREET RIGHT-OF-WAY LINE. The dividing line between a street right-of-way and the contiguous property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground including advertising signs and other construction or erection with special function or form, except fences or walks, and for purposes of this Zoning Resolution, Mobile Homes which are otherwise herein defined and restricted.

STRUCTURE, ACCESSORY OR ANCILLARY. A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

STRUCTURE, PRINCIPAL. A structure in which is conducted the principal use of the lot on which it is situated.

TABLES OF ELEMENTS. The provisions of the Franklin County Rural Zoning Resolution regarding the placement, size and height of free standing signs in conjunction with the adjacent roadway.

TOPLESS. Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

TOWNSHIP. Township shall mean Washington Township, Franklin, Delaware and Union Counties, Ohio.

TOXIC SUBSTANCE. Those toxic substances as defined by regulations adopted pursuant to the Recourse Conservation and Recovery Act of 1976, and any future law or regulation of like tenor or effect.

TREE LINE. Linear assemblages of plants typically consisting of trees, vines, shrubbery and grasses commonly associated with fence rows. Tree lines provide wildlife habitat and migration corridors, and often provide erosion control and act as wind barriers.

WOODLAND. Land covered with native woody vegetation, typically a combination of saplings, mature trees and associated brush.

YARD, REAR. An open space between the rear line of the principal structure (exclusive of steps) and the rear line of the lot and extending the full width of the lot. May be used for accessory structures.

YARD, SIDE. An open, unoccupied space on the same lot with a structure between the side line of the structure (exclusive of steps) and the side line of the lot and extending from the front line to the rear line of the lot.

TOWNHOUSE. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or condominium.

ZONING DISTRICT. Any section of Washington Township in which zoning regulations are uniform.

ZONING INSPECTOR. The official charged with the administration and enforcement of the Zoning Resolution.

SECTION 725 EXISTING ZONING RESOLUTION.

725.010 Repeal of Conflicting Zoning Resolution. The existing Zoning Resolution now in effect in Washington Township, Franklin, Delaware and Union Counties, Ohio, not otherwise adopted as part of

this Zoning Resolution, and in conflict with the Zoning Regulations as they are established or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution heretofore in effect, which are now pending in any of the Courts of the State or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution but shall be prosecuted to their finality the same as if this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

SECTION 730 SEVERABILITY OF ZONING RESOLUTION.

730.010 Invalid Provision. If for any reason any one (1) or more sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in any one (1) or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

ARTICLE VIII BOARD OF ZONING APPEALS

SECTION 800 CREATION OF THE BOARD OF ZONING APPEALS.

800.010 Appointed by the Board of Township Trustees. There shall be a Board of Zoning Appeals consisting of five (5) members appointed by the Board of Township Trustees as provided by Section 519.13, Ohio Revised Code.

800.020 Organization and Members. The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, in accordance with this Zoning Resolution, and at such other times as the Board of Zoning Appeals determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees, and be a public record.

SECTION 801 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

801.010 Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties:

801.011 Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.

801.012 Variances. To hear and decide, upon appeal, in specific cases such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate

conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

801.013 Conditional Use. To authorize only such conditional uses as the Board of Zoning Appeals is specifically authorized to consider by the terms of this Zoning Resolution.

SECTION 802 GENERAL PROCEDURES FOR APPEALS, VARIANCES, AND CONDITIONAL USES.

802.010 Applicability In addition to any other requirement or rule contained within this Zoning Resolution or duly adopted by the Board of Zoning Appeals in accordance with this Zoning Resolution, the general procedures contained within Section 802 shall apply to all appeals, including variances and conditional uses.

802.020 Schedule of Hearings. All appeals, including variances and applications for conditional uses shall be set down for hearing 30 days after the filing with the Zoning Inspector or at the next regularly scheduled meeting of the Board of Zoning Appeals, whichever is later.

802.030 Decisions of the Board of Zoning Appeals. Within 30 days after a hearing, the Board of Zoning Appeals shall issue its decision based upon the criteria of and in accordance with this Zoning Resolution.

SECTION 805 ADMINISTRATIVE APPEAL.

805.010 Procedure. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of Washington Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least 10 days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing and decide the appeal within a reasonable time after it is submitted.

SECTION 810 PROCEDURES FOR VARIANCES.

810.010 Nature of Variance. The Board of Zoning Appeals may authorize, upon appeal or upon application, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in any other districts shall be considered grounds for issuance of a variance.

810.020 Written Application. In addition to the requirements set forth in Section 805 of this Zoning Resolution, the notice of appeal shall be accompanied by three (3) copies of a provided application for variance, along with a copy of the denied Certificate of Zoning Compliance.

810.021 Description of Property. The provided application shall contain the following information:

- (1) name, address and phone number of applicant;
- (2) legal description of the property;
- (3) a list of the names and addresses of all adjacent property owners and those property owners within 200 feet of the subject tract as set forth in the real estate tax list kept by the County Auditor;
- (4) a detailed description of the nature of the variance requested, including the specific provisions of the Zoning Resolution upon which the variance is requested; and
- (5) a narrative statement demonstrating that the requested variance conforms to the standards of Section 810.041.

810.022 Plot Plan. The application shall be accompanied by three (3) copies of a plot plan drawn to an appropriate scale clearly showing the following:

- (1) the boundaries and dimensions of the subject tract;
- (2) the nature of the special conditions or circumstances giving rise to the application for approval;
- (3) the size and location of existing and proposed structures;
- (4) the proposed use of all parts of the subject tract, including structures, access ways, walks, offstreet parking and loading spaces, and landscaping; and
- (5) the relationship of the requested variance to the Development Standards; and
- (6) the use of land and location of structures on adjacent property.

810.030 Reviewing Agency Review. The Zoning Inspector shall forward copies of the application and plot plan to the reviewing agency authorized by state law, the Zoning Commission, and any other township or county departments or agencies which, in the opinion of the Zoning Inspector, may have an interest in the variance. The reviewing agency, acting through its staff, the Zoning Commission, and all other departments or agencies receiving said application and plot plan may forward their recommendations to the Board of Zoning Appeals for consideration at the public hearing thereon.

810.040 Actions of the Board of Zoning Appeals. In considering the variance request, the Board of Zoning Appeals shall proceed as if on appeal pursuant to Section 805 of the Zoning Resolution.

810.041 Approval of a Variance. The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- (1) that such variance or modification will not be contrary to the public interest;
- (2) that owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship;
- (3) that the approval of such variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby;

(4) that granting the variance requested will not confer on the applicant the same effect as rezoning to another zoning district classification;

(5) that granting the requested variance will conform to the Land Use Plan and the spirit and intent of the Zoning Resolution;

(6) that the requested variance is the minimum variance necessary to accomplish the purpose of the request; and

(7) that granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.

810.050 Conditions. In granting any variance request, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a variance is granted, shall be deemed a violation of this Zoning Resolution. Under no circumstances shall the Board of Zoning Appeals grant any variance or impose any conditions which allow a use not permissible under the terms of this Zoning Resolution in the Zoning District involved or any use expressly or by implication prohibited by the terms of this Zoning Resolution in said Zoning District.

810.060 Expiration of Approval. The applicant for a variance shall obtain the required Certificates of Zoning Compliance and Building Permits for the proposed use within one year of the Board of Zoning Appeals' approval of the variance; otherwise, the Board of Zoning Appeals' approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least 30 days prior to the expiration of the one-year period. The Board of Zoning Appeals for good cause shown may enlarge the one-year period prescribed by this Section 810.06.

SECTION 815 PROCEDURES FOR AUTHORIZING A CONDITIONAL USE.

815.010 Nature of Conditional Uses. Specifically listed conditional uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such Zoning Districts. No unlisted conditional use may be permitted or otherwise allowed.

The intent of the procedure for authorizing a conditional use is to set forth the Development Standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

815.020 Written Application. Three (3) copies of a provided application form shall be filed with the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the applicant shall contain the following information:

815.021 Description of Property and Intended Use. (1) name, address and phone number of applicant; (2) legal description of the property;

(1) name, address and phone number of applicant;

- (2) legal description of the property;
- (3) a list of the names and addresses of all adjacent property owners and property owners within 200 feet of the proposed use as set forth in the real estate tax list kept by the County Auditor;
- (4) a detailed description of the existing use;
- (5) the present Zoning District;
- (6) a narrative statement evaluating the impact upon adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the Zoning District; and the relationship of the proposed use to the Land Use Plan;
- (7) such other information as may be required by Zoning District requirements; and
- (8) such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

815.022 Plot Plan. The application shall be accompanied by three (3) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- (1) the boundaries and dimensions of the subject tract;
- (2) the size and location of existing and proposed structures;
- (3) traffic access points, traffic circulation, and parking and loading facilities;
- (4) a listing of utilities servicing or proposed to service the subject tract;
- (5) the proposed use of all parts of the subject tracts, including structures, access ways, walks, open spaces, landscaping, signs and yards;
- (6) the relationship of the proposed development to the Development Standards;
- (7) the use of land and location of structures on adjacent property; and
- (8) such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the applicable requirements of this Zoning Resolution.

815.030 Review by Governmental Agencies. The Zoning Inspector shall forward copies of the application and plot plan to the reviewing agency, the Zoning Commission, and any other township or county department or agency which, in the opinion of the Zoning Inspector, may have an interest in the conditional use. All such commissions, departments, and other governmental agencies may forward their recommendations to the Board of Zoning Appeals for consideration at the public hearing.

815.040 Actions of the Board of Zoning Appeals. The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the application, give at least 10 days' notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public

hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing, and shall within a reasonable time after the application is submitted hold a public hearing and act on the conditional use in one of the following ways, that:

815.041 Approval. The Board of Zoning Appeals shall approve an application for a conditional use if the Board of Zoning Appeals specifically makes findings that the proposed use meets the following conditions, that:

(1) the proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;

(2) the proposed use is harmonious with and in accordance with the general objectives, and with any specific objectives of the Land Use Plan and Zoning Resolution;

(3) the proposed use is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

(4) the proposed use and development will not be hazardous or disturbing to existing or future neighboring uses;

(5) the proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for any such services;

(6) the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the health or safety of the community;

(7) the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property by reason of excessive production of traffic, noise, smoke, fumes, glare or odor;

(8) the proposed use will have vehicular access to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, roads or highways;

(9) the proposed use will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance; and

(10) the necessity or desirability of the proposed use to the neighborhood or community has been proven by the applicant.

815.042 Approval with Modification. The Board of Zoning Appeals may approve with modification an application for a conditional use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met and the requirements listed above are established by the applicant, but plot plan modification is required:

(1) to be in accordance with appropriate plans for the area; and

- (2) to prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or necessity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required by the Board of Zoning Appeals. Recommendations regarding the modifications of plans or other appropriate action shall be stated with reasons for each recommendation.

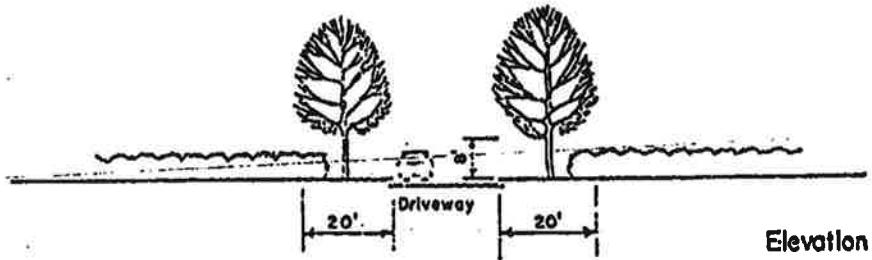
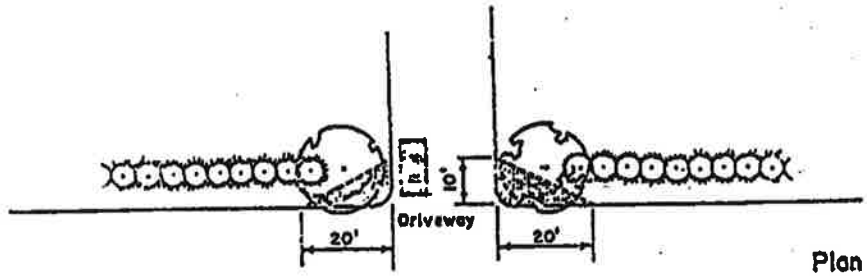
815.043 Disapproval. The Board of Zoning Appeals shall disapprove an application or a conditional use of the applicant that does not clearly establish the requirements listed above.

815.044 Conditions. In granting any conditional use application, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a conditional use is granted, shall be deemed a violation of this Zoning Resolution. Under no circumstances shall the Board of Zoning Appeals grant any conditional use request or impose any conditions which allow a use not permissible under the terms of this Zoning Resolution in the Zoning District involved, or any use expressly or by implication prohibited by the terms of this Zoning Resolution in said Zoning District.

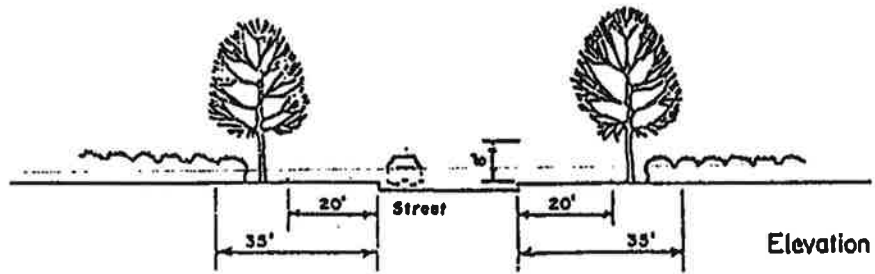
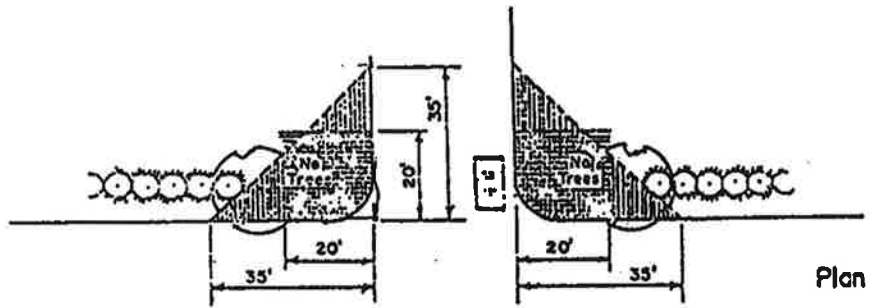
815.045 Expiration of Approval. The applicant for a conditional use shall obtain the required Certificate of Zoning Compliance and Building Permits for the proposed use within one (1) year of the Board of Zoning Appeal's approval of the conditional use; otherwise, the Board of Zoning Appeal's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing a request with the Zoning Inspector at least 30 days prior to the expiration of the one (1) year period. The Board of Zoning Appeals for good cause shown may enlarge the one (1) year period prescribed by this Section 815.045.

821.010 Fees to Cover Administrative Costs and Advertising. In order to cover necessary administrative and advertising costs, fees for each variance or conditional use application shall be paid to in accordance with a fee schedule established from time to time by the Board of Township Trustees.

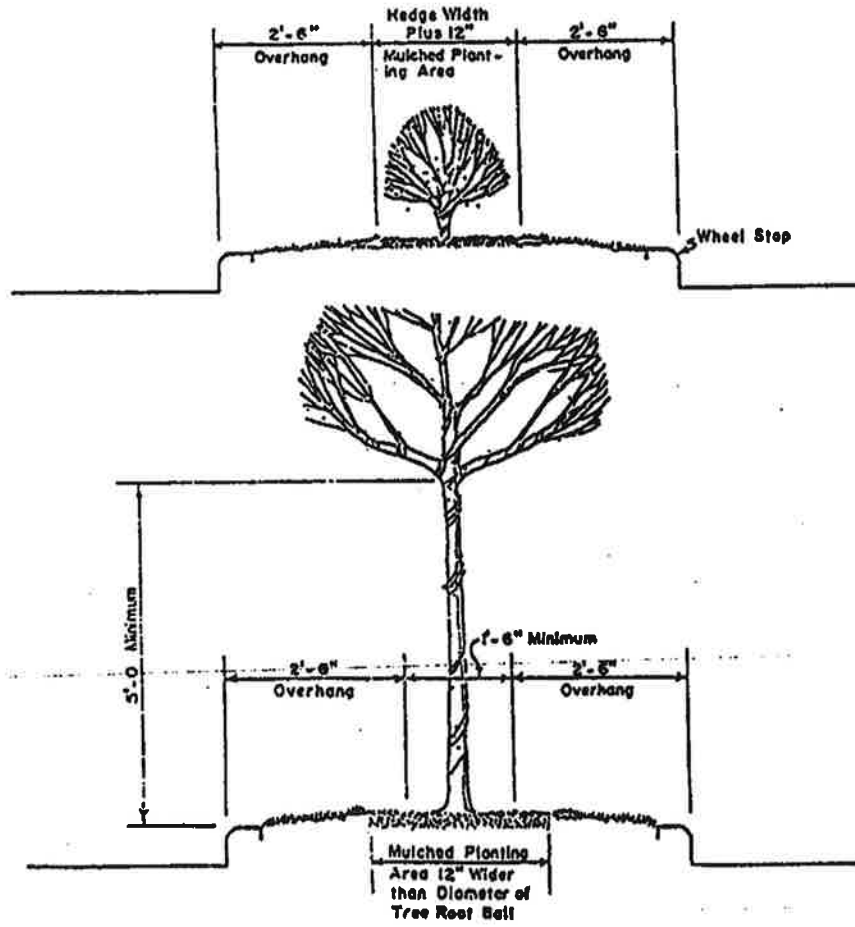
SIGHT TRIANGLE



SIGHT TRIANGLE



VEHICLE OVERHANG



WASHINGTON TOWNSHIP
FRANKLIN, DELAWARE AND UNION COUNTIES, OHIO

SCHEDULE OF FEES

Effective December 12, 2006, the Board of Township Trustees of Washington Township, Franklin, Delaware and Union Counties, Ohio, adopted the following Schedule of Fees payable with respect to various zoning matters:

Copy of Land Use Plan	\$30.00
Copy of Zoning Resolution	30.00
Copy of Zoning Map	15.00
Certificate of Zoning Compliance	50.00
Application for variance, appeal, special permit or other action of the Board of Zoning Appeals	
– Residential	100.00
– Commercial	300.00
Application for rezoning or other action of the Zoning Commission	500.00
Application for informal consultation	50.00*
Application for approval as a Conservation Subdivision in the Planned Residential Conservation Overlay District	500.00
Application for telecommunications location	200.00
Application for telecommunications co-location	50.00
Application for Sexually Oriented Business License	300.00
Application for Sexually Oriented Business Employee License	100.00
Additional fee for a special meeting of either the Board of Zoning Appeals or Zoning Commission	100.00
Home occupation permit	50.00

Such fees are payable to the Board of Township Trustees and must be submitted with any applicable application, appeal, request, etc.

* A fee for an informal consultation shall be applied to an application for rezoning if such application follows within twelve (12) months and generally relates to the informal consultation. Otherwise, such fee is non-refundable.
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**WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS
APPEAL, VARIANCE, SPECIAL PERMIT OR SPECIAL ZONING CERTIFICATE REQUEST**

Name(s) of Person(s) Appealing
Or Making the Request _____

Address of Above Person(s) _____

Name(s) of Owner(s) of the
Subject Property, if Different
From Above-Listed Person(s) _____

Address of Owner(s) _____

Description of Property involved (address—if any, on which side of a particular street or roadway it is located, frontage and depth in feet, acreage, etc./please attach a copy of a **legal description** such as would appear in a deed and a **drawing** showing the property's location and dimensions):

If this is an **APPEAL**, describe the action of the township's administrative official which you appeal (such as the refusal of a zoning certificate or the issuance of a cease and desist order as to property usage):

If this is a **REQUEST FOR A VARIANCE OR REQUEST FOR A SPECIAL PERMIT OR ZONING CERTIFICATE**, describe the zoning requirement as to which you desire a variance (such as a sideyard set-back requirement or a floor-space requirement) or the zoning requirement under which you request a special permit or special zoning certificate:

- List of Property Owners (include the names and mailing addresses of all persons and entities owning property adjacent to the sides and rear of the subject property and all property across any streets that border it. If not known, check the real estate tax records at the Franklin County Courthouse.):

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This Request is submitted as of _____
Rebecca C. Princehorn
Bricker & Eckler LLP
100 S. 3rd Street
Columbus, Ohio 43215

Signature(s) of Person(s) Appealing
or making the Request

The foregoing form should be submitted with the appropriate filing fee (\$100.00) to the Secretary of the Washington Township Board of Zoning Appeals.

**WASHINGTON TOWNSHIP ZONING COMMISSION
APPLICATION FOR ZONING AMENDMENT**

Name(s) of Applicant(s) _____

Address of Applicant(s) _____

Name(s) of Owner(s) of the
Subject Property, If Different
From Applicant _____

Description of Property involved (address—if any, on which side of particular street or roadway it is located, frontage and depth in feet, acreage, etc./please **attach** a copy of a **legal description** such as would appear in a deed and a **drawing** showing the property's location and dimensions):

- Present Zoning Category Applicable to the Property:

- Proposed Different Use of the Property/Describe:

- List of Property Owners (include the names and mailing addresses of all persons and entities owning property adjacent to the sides and rear of the subject property and all property across any streets that border it. If not known, check the real estate tax records at the Franklin County Courthouse.):

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This Application is submitted as of _____, _____

Signature(s) of Applicant(s)

The foregoing form should be submitted with the appropriate filing fee (\$500.00) to the Secretary of the Washington Township Zoning Commission.

Rebecca C. Princehorn
Bricker & Eckler LLP
100 S. 3rd Street
Columbus, Ohio 43215

APPLICATION FOR ZONING CERTIFICATE

ARCHITECTURAL REVIEW DISTRICT
WASHINGTON TOWNSHIP
FRANKLIN COUNTY, OHIO

Application No. _____

Name of Applicant _____ Date _____

Address _____ Phone _____

Name of Lot Owner _____ Phone _____

Address _____

Address of Premises _____

Application is hereby made to (description of work) _____

DESCRIPTION

1. Size of proposed building or structure: Length _____ Feet Depth _____ Feet Height _____ Feet Height _____ Stories

2. Square Feet of Living Area _____

3. Character of Construction _____

4. Size of Lot: Front _____ Ft., Rear _____ Ft., Side _____ Ft. Side _____ Ft.

Area _____ Sq. Ft. and/or _____ Acres.

5. Location of structure on property:

Front _____ Feet from Property Line to Building or Structure

Side _____ Feet from Property Line to Building or Structure

Side _____ Feet from Property Line to Building or Structure

Rear _____ Feet from Property Line to Building or Structure

6. Use of Proposed Building or Structure:

_____ No. Families _____

(Residence, Garage, Storage Shed, Etc.)

7. This application for a zoning certificate submitted to the zoning inspector includes the following: A plan of the lot to be developed, with dimensions, total acreage, lot and subplot number, and the name of the architect or engineer who prepared the plan; an illustration showing the dimensions of all buildings and uses; a complete floor plan, building cross section, and typical wall section; all elevations of buildings and structures at finished grade; a plan drawn to scale showing the location of proposed and existing buildings, driveways, walkways, decks, signage, lighting and accessory structures and uses; and any other information necessary to ensure compliance with Section 650 of the Washington Township Zoning Resolution.

Signature of Applicant