

# **ZONING RESOLUTION**

## **WASHINGTON TOWNSHIP**

### **HENRY COUNTY, OHIO**

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**PREAMBLE**

A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS; ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP, HENRY COUNTY, STATE OF OHIO:



## ARTICLE 1

### GENERAL PROVISIONS

#### 100 TITLE

This Resolution shall be known and may be cited to as the “Zoning Resolution of Washington Township, Henry County, Ohio,” except as referred to herein, where it shall be known as “this Resolution.”

#### 102 PURPOSE

This Resolution is enacted for the purpose of promoting the public health, safety, comfort, and general welfare of the residents of Washington Township; to conserve and protect property rights and property values; to secure the most appropriate use of the land; to facilitate adequate but economical provisions for public improvements; to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches and the use of land for trade, industry, residence, recreation or other purposes; and for such purposes have divided the unincorporated area of the Township into districts or zones; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the *Ohio Revised Code*, or under common law rulings.

#### 104 INTERPRETATION

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern. No further development shall be approved unless it is in conformance with the Washington Township Comprehensive Plan, if any, in effect at the time.

Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall thereupon be subject to the next restrictive district; provided, however, that where the court in such judgment or decree, declares that the property may be used for a particular use or uses because the trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulations applicable to the most restrictive district in which the particular use or uses, declared proper by the court, are permitted; and provided, further, that such regulations shall be applicable to the property for not to exceed one hundred eighty (180) days after the aforesaid court judgment or decree becomes final or until the appropriate zoning

classification can be established in accordance with Section 519.12 of the Ohio Revised Code.

**106**    **SEPARABILITY**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**108**    **REPEAL OF CONFLICTING RESOLUTIONS**

All Resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

**110**    **EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

## ARTICLE 2

### DEFINITIONS

#### 200 INTERPRETATION OF TERMS OR WORDS

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- E. The word “lot” includes the words “plot” or “parcel.”
- F. Words used in the singular shall include the plural, and the plural singular.

#### 202 DEFINITIONS

**Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

**Accessory Structure:** A subordinate structure including those without a permanent foundation, detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**Administrative Inspector:** Primary responsibility for administering the duties of the Washington Township Zoning Commission as required by this resolution may be assigned to one or more individuals by the Township Administrator. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the “Administrative Official.”

**Adult Care Facility:** Any residence, facility, institution, hotel, congregate housing project or similar facility licensed by the Ohio Department of Health, that provides accommodations and supervision to from 3 to 16 unrelated adults, at least three of which

receive personal care service. For the purpose of this definition, “adult care facility” shall not include, assisted living facility, elderly housing facility, group residential facility, nursing home or similar facilities that provide skilled nursing care, which are herein separately defined. There are two types of adult care facilities:

- A. Adult Family Home: A facility or residence providing accommodations for from 3 to 5 unrelated adults and providing supervision and personal care services to at least 3 adults.
- B. Adult Group Home: A facility or residence that provides accommodations for from 6 to 16 unrelated adults and providing supervision and personal care services to at least 3 adults.

**Agriculture:** The use of land for farming, ranching, dairying, pasturage, apiculture, horticulture, agriculture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing of produce; provided that the operation of such accessory use shall be secondary to that of normal agricultural activities; and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces.

**Alley:** *(See Thoroughfare)*

**Alteration:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls, or the moving from one location or position to another.

**Antennae Aerial:** An arrangement of wires or metal rods used in sending or receiving electromagnetic waves. Antennas may be free-standing or affixed to buildings. They are supported in the air by a structure used primarily for the purpose of supporting one or more antennas, including foundation, guys, and other components thereof. For the purpose of this resolution, telecommunication towers as defined in Ohio R.C. §519.211 shall not be considered an aerial antennae, but shall be regulated in accordance with the provisions of §534 of this resolution.

**Apartment House:** *(See Dwelling, Multifamily)*

**Assisted Living Facility:** A multiple unit residential facility which may be licensed by the Ohio Department of Health, that provides or arranges for skilled nursing care for one (1) or more unrelated individuals who reside in the facility. For the purpose of this definition, “assisted living facility” shall not include adult care facility, elderly housing facility, group residential facility or nursing home, which are herein separately defined.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service and painting.

**Automotive (or Manufactured/Mobile Home, Travel Trailer or Farm Implement) Sales:** The sale or rental of new and used motor vehicles, mobile/manufactured homes, travel trailers, or farm implements to be displayed and sold on the premises, but not including repair work except incidental warranty repair of same.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

**Basement:** A story, suitable for business or habitation, partially below the level of the adjoining street or ground, and below the first tier of floor beams or joists. When a basement floor is less than 2 feet below the average grade, it will be rated as the first story or ground floor (*See Story*).

**Billboard:** A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including bulletin boards on government property used to display official or public notices and information.

**Board of Zoning Appeals:** The Board of Zoning Appeals of Washington Township, Henry County, Ohio.

**Boarding House:** (*See Dwelling, Rooming House*)

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property (*See Structure*).

**Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building (a) to the highest point of the roof for flat roofs, (b) to the deck line of mansard roofs, (c) the average height between the eaves and ridge for gable, hip and gambrel roofs, and (d) the average height between high and low points for a shed roof.

**Building Line:** (*See Setback Line*)

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, to supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

**Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include but need not be limited to, such activities as service/filling stations, truck and auto sales and service, restaurants, motels and commercial recreation.

**Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally includes such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

**Business, Service:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Campground:** Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; including camps and summer camps.

**Car Port:** A covered automobile parking space not completely enclosed by walls or doors. For the purposes of this Resolution, a car port shall be subject to all regulations prescribed in this Resolution for a private garage (*See Garage, Private*).

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Centralized Sewer/Water System:** A water or sewer system in which individual lots are connected to a common distribution system, whether publicly or privately owned and operated.

**Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**Child Day Care:** Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardian, custodians, or relatives by blood, marriage, or adoption for any part of the 24 hour day in a place or residence other than the child's own home. The following are child day care facilities:

- A. Child Day Care Center: Any facility licensed by the Ohio Department of Human Services in which child day care is provided, with or without compensation, 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- B. Type A Family Day Care Home: A permanent residence of the administrator, licensed by the Ohio Department of Human Services, in which child day care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the immediate family and the residence is their home.
- C. Type B Family Day Care Home: A permanent residence of the provider, licensed by the Northwest Ohio Community Action Commission, in which child day care or child day care services are provided for one (1) to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Church/Place of Worship:** A building used principally for religious worship.

**Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at. The purpose is that if the turbines fall or otherwise become damaged, the falling structure or parts thereof will be confined to the primary parcel and will not intrude onto a neighboring property.

**Clinic (or Medical Center):** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but limited to outpatients only.

**Club:** A building or portion thereof or premises owned or operated by a person or association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**Commercial Entertainment Facility:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Conditional Use:** A use permitted within a zoning district other than a principally permitted use, requiring a conditional zoning certificate.

**Conditional Zoning Certificate:** A certificate issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within a zoning district.

**Condominium:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

**Convalescent Home (or Rest Home):** *(See Nursing Home)*

**Corner Lot:** *(See Lot Types)*

**Court:** An occupied space, other than a yard, on the same lot with a building, which is bounded on 2 or more sides by the walls of such building.

**Cul-de-sac:** *(See Thoroughfare)*

**Dead End Street:** *(See Thoroughfare)*

**Density:** A unit of measurement expressing the number of dwelling units per acre of land.



A. Gross Density: The number of dwelling units per acre of the total land to be developed.

B. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**District:** A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

**Driveway:** A private way, other than a street or alley, to one lot of record for the use of vehicles and pedestrians.

**Dwelling:** Any building or structure (except a house trailer or manufactured/mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used for living or sleeping by one (1) or more human occupants, but not including hotels, motels, boarding houses and lodging houses. A manufactured/mobile home, however, will be considered a dwelling if it is permanently affixed to a foundation, the undercarriage of the vehicle is completely covered by permanent skirting or its equivalent, and is on the tax duplicate as real estate (*See Factory-Built Housing*).

**Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured/mobile home (*See Factory-built Housing*).

**Dwelling, Multifamily:** A dwelling consisting of 3 or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multifamily housing may include public housing and industrialized units, but not including hotels or motels.

**Dwelling, Rooming House (or Boarding House, Lodging House or Dormitory):** A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for 3 or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Dwelling, Single Family:** A dwelling consisting of one (1) dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two Family:** A dwelling consisting of 2 dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**Dwelling Unit:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

**Elderly Household:** Not more than 3 persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

**Elderly Housing Facility:** A multiple-unit residential facility which may be licensed by the Ohio Department of Health, where occupancy is restricted to elderly persons or households. Such facility may include personal care service, skilled nursing care, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, “elderly housing facility” shall not include adult care facility, assisted living facility, group residential facility or nursing home, which are herein separately defined.

**Elderly Person:** Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

**Embankment Pond or Lake:** Any man-made artificial body of water which retains water year-round that was constructed one foot or more above the original grade and more than 5% of the perimeter as determined by the zoning inspector or Board of Zoning Appeals.

**Essential Service:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings (*See Public Service Facility*).

**Factory-built Housing:** Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this definition, “factory-built housing” shall include the following:

- A. **Manufactured Home:** Any non-self-propelled vehicle transportable in one or more sections (does not include campers, trailers, RVs, motor homes and other temporary dwelling units), and which is built on a permanent chassis and designed to be used as a dwelling unit with a permanent foundation when connected to the required utilities, and which bears a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act, which became effective June 15, 1976, and shall include all mobile

homes that meet the federal standards (the terminology for these dwelling units was changed in 1980 from mobile homes to manufactured homes); and shall be permitted in any district that also permits single-family dwellings provided the standards of *Section 542* are met. All other manufactured/mobile homes not meeting those standards shall only be permitted if placed in a licensed and approved manufactured home park, or as required by *Section 514 C.*, or as otherwise required in this Resolution.

- B. **Modular Home:** A dwelling unit constructed in accordance with the standards set forth in the local building code as applicable to modular housing and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of 2 or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or jointed together on site. Modular homes shall be considered as conventional single family dwellings and are not regulated as manufactured homes defined above.
- C. **Mobile Home:** Any non-self-propelled vehicle that is transportable (does not include campers, RVs, motor homes and other temporary dwelling units), and designed to be used as a dwelling unit with or without a permanent foundation and built prior to June 15, 1976.

**Family:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that “family” shall not include more than 4 persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities (*See Group Residential Facility*).

**Farm Market:** An occasional or periodic market held in an open area where agricultural produce and related products are offered for sale to the general public by local growers or producers from open or semi-open facilities or temporary structures.

**Floating Zone:** An unmapped zoning district where the location of the zone is fixed on the map only when an application for development, meeting the zone requirements is approved.

**Floodplain:** Land areas, including the flood fringe and the floodway, subject to inundation by the 100year flood, as shown on Henry County’s Flood Insurance Rate Map (FIRM), Community Panel Number 390776 0050 B.

**Floodway:** Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area, Minimum:** Shall be at least 900 square feet at least one open side and consist of such areas as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, basement recreation rooms, utility rooms, garages, or basements.

**Frontage:** The distance between the side lot lines measured along the required front set back line; in the case of a corner lot, frontage shall be measured along the shortest front lot line.

**Garage, Private:** A building or part thereof accessory to a principal building and providing for the storage of motor vehicles and other household materials, supplies, tools and equipment, in which no occupation or business for profit is carried on other than that conditionally permitted under home occupation.

**Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which not-for-profit service station activities may be carried on.

**Garage, Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail and where the following additional services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributors parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Radiator welding and repair;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps, and lines;
- H. Minor servicing and repair of carburetors;
- I. Adjusting and repairing brakes;
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- K. Washing, polishing and cleaning of vehicle's exterior and interior body;

- L. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
- M. Provisions of road maps and other informational material to customers, provision of restroom facilities;
- N. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations (*See Automotive Repair/Wrecking*).

**Grade, Finished:** The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**Group Housing Development:** Those types of residential structures customarily known as garden apartments, terrace apartments, row housing units, and those types of housing structures similar in character and density to such group housing.

**Group Residential Facility:** A group residential facility is a community residential facility licensed by the State of Ohio, which provides rehabilitative or habilitative services. For the purpose of this definition, “group residential facility” shall not include adult care facility, assisted living facility, elderly housing facility or nursing home, which are herein separately defined. There are two classes of group residential facilities:

- A. Class I: Any dwelling or place used as a foster home for children or adults, or as a home for the care or rehabilitation of delinquent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains 6 or more residents, exclusive of staff. A Class I Type B group residential facility contains 5 or fewer residents, exclusive of staff.
- B. Class II: Any dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains 6 or more residents, exclusive of staff. A Class II Type B group residential facility contains 5 or fewer residents, exclusive of staff.

**Home Occupation:** Home occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby carried on by the inhabitant(s) thereon, which is clearly incidental and subordinate to the use of the

premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises, and which requires or utilizes employees not living at the dwelling.

**Hospital (or Sanitarium):** An establishment which provides accommodations, facilities, and services over a continuous period of 24 hours or more, for observation, diagnosis, and care of 2 or more individuals suffering from illness or injury, or from any condition requiring obstetrical, medical or surgical services.

**Hotel:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests. For the purpose of this definition, “hotel” shall not include dwelling, rooming house, which is herein separately defined.

**Industrial Park:** A tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing a minimum of one (1) street designed solely to provide access to industrial establishments located upon it.

**Junk Building (or Junk Shop or Junk Yard):** Any land or building used for abandonment, storage, keeping, selling, exchanging, packing, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**Kennel:** Any lot or premises on which 3 or more domesticated animals more than 4 months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

**Kitchen:** Any room or other space used, intended or designed to be used for cooking or for preparation of food for one (1) family.

**Lake:** A natural or artificial body of water encompassing an area of one (1) or more acres which retains water year round.

**Landscaping:** The improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walk, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an esthetically pleasing effect.

**Living Space:** That area within a structure intended, designed, erected or used for human occupancy, but excluding any cellar or basement area, or accessory use areas.

**Loading Space:** An off-street loading space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. All off-street loading spaces shall be located totally outside of any street or alley right-of-way, but may abut upon such

right-of-way. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Lodging House:** *(See Dwelling, Rooming House)*

**Lot:** For the purposes of this Resolution, a lot is a parcel of land whose boundaries have been established by some legal surveyed instrument, which shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or access easement. Lot size must be two (2) acres before dedication on a major subdivision.

**Lot Area, Minimum:** That area of a lot computed inclusive of any portion of the right-of-way of any public or private street or access easement. Where the street right-of-way is not established, it shall be assumed to be 60 feet.

**Lot Coverage:** The total ground area of a lot, expressed as a percentage of the lot area, that is covered, occupied or enclosed by principal and accessory buildings or structures.

**Lot, Depth Of:** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line. Where the street right-of-way is not established, it shall be assumed to be 60 feet.

**Lot Frontage:** The horizontal distance of a lot measured along the front lot line, between side lot lines.

**Lot Line, Front:** That boundary of a lot which abuts the center of the traveled portion of any public or private street or access easement; or that boundary of a lot within a platted subdivision which abuts the street right-of-way of any public or private street or access easement.

**Lot Line, Rear:** That boundary of a lot which is most distant from, and is or is most nearly parallel to the front lot line.

**Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the Recorder of Henry County, or a lot or parcel established by some legal surveyed instrument by metes and bounds, the deed to which has been so recorded.

**Lot Type:** Terminology used in this Resolution with reference to corner lots, interior lots, through lots and reversed frontage lot is as follows:

- A. Corner Lot: A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn

from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

- B. Interior Lot: A lot with only one (1) frontage on a street.
- C. Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as “double frontage lots.”
- D. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Lot, Width Of:** The horizontal distance between the side lot lines of a lot, measured along the building setback line (*See Building Setback Line*).

**Major Thoroughfare Plan:** The portion of the comprehensive plan duly adopted by the Washington Township Zoning Commission/Henry County Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction (*See Thoroughfare*).

**Manufactured Home:** A factory-built dwelling that is manufactured or constructed in an offsite manufacturing facility, transportable in one or more sections, which in the traveling mode is at least eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site is at least 900 square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities.

**Manufactured Home Park:** Consists of 3 or more manufactured/mobile homes located on a single tract of ownership operated as a single entity as a business investment of the owner. Each manufactured/mobile home is located on a site leased to its occupant(s) who own or lease the dwelling unit as their permanent residence. Manufactured Home Parks are licensed by the Ohio Department of Health when they contain 3 or more manufactured/mobile homes.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, drilling, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous



elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**Motel:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with parking garage attached or parking space conveniently located to each unit. The term “motel” includes auto courts, motor lodges and tourist cabins. For the purpose of this definition, “motel” shall not include dwelling, rooming house, which is herein separately defined.

**Nonconformity:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district in which they are situated, and are therefore incompatible.

**Nuisance Building:** Nuisance building is a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

**Open Space:** An area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

**Overlay District:** A district described by the zoning map within which, through super imposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

**Owner:** Any full owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

**Parking:** The temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**Parking Space, Off-street:** For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond (or Surety Bond):** An agreement by a subdivider or developer with Washington Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's or developer's agreement.

**Person:** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**Personal Care Service:** Service that includes, but not limited to, assisting individuals with activities of daily living, self-administration of medication, and preparing special diets.

**Planned Unit Development (PUD):** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Pond:** A natural or artificial body of water of less than one (1) acre which retains water year round.

**Porch:** A roofed or unroofed open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood or other material more than 36 inches above the floor thereof, except wire screening and the necessary columns to support the roof.

**Principal Permitted Use:** A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Inspector in accordance with the provisions of this Resolution.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services (*See Essential Service*).

**Public Use:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility:** Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public electricity, gas, sanitary sewer, steam, telephone, transportation, water, or any other similar public utilities.

**Quasi-Public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable philanthropic, or nonprofit nature.

**Recreation Facility:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include: but need not be limited to, miniature golf courses, amusement parks, stadiums, community swimming pools and bowling alleys.

**Research Activity:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**Rest Home (or Convalescent or Nursing Home):** *(See Elderly Housing Facility)*

**Right-of-way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Roadside Stand:** A permanent or temporary structure designed, arranged or used for the display and sale of agricultural and related products, with no space for customers within the structure itself. Shall be considered a commercial/business use when located on property where products or produce are not grown *(See Wayside Stand)*.

**Satellite Signal Receiver:** “Dish-type satellite signal-receiving antennas,” “earth stations” or “ground stations,” whether functioning as part of a basic service system, direct broadcast satellite system, or multipoint distribution service system, shall mean one (1), or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- C. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**Setback Line:** A line established by this Resolution, generally parallel with and measured perpendicular from the respective lot line, defining the limits of a yard in which no structure may be located above ground, except as may be provided by this Resolution *(See Yard)*.

**Sewer, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent.

**Shipping Container:** A shipping container is a steel container with strength suitable to withstand shipment, storage, and handling. They are standardized re-sealable transportation boxes utilized for freight handling/intermodal shipments with standardized equipment and can be in two sizes with various lengths as follows:

- A. Standard ISO shipping containers are 8 ft. (2.43m) wide, 8.5 ft. (2.59m) high and come in multiple lengths, typically: 20 ft. (6.06m), 40 ft. (12.2m), or 45 ft. (13.71m).
- B. Extra tall shipping containers called high-cube containers are available at 9.5 ft. (2.89m) high.

**Sign:** Any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known; and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or place of land and directs attention to an object, place, activity, person, institution, organization or business. The word “sign” shall include billboards, signboards, and display signs.

**Skilled Nursing Care:** Procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated. “Skilled nursing care” shall include, but not limited to, irrigations, catheterizations, application of dressings, supervision of special diets, administration of medication by any method ordered by a physician and carrying out other treatments prescribed by a physician that involve a similar level of complexity and skill in administration.

**Stable:** Any building, structure or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or transiently.

**Solar Energy System:** Any solar energy system subject to the definitions below.

- A. Residential Solar Energy Systems: Any Solar Energy System with a maximum area not to exceed 15% of the lot size primarily designed for residential use shall be classified as a Residential Solar Energy System.
- C. Commercial Solar Energy Systems: Any Solar Energy System with a maximum area not to exceed 25% of the lot size primarily designed for commercial use shall be classified as a Commercial Solar Energy System.

**Street, Private:** A thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public (*See Thoroughfare*).

**Street, Public:** A public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the Board of Township Trustees or the Board of County Commissioners, and which affords principal means of access to abutting property (*See Thoroughfare*).

**Story:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists (*See Basement*).

**Story, Half:** A space under a sloping roof which has the line of intersection of a roof decking and wall face not more than 3 feet above the top floor level and in which space not more than two-thirds of the floor area is finished for the use. A half-story containing independent apartment or living quarters shall be considered a full story.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, shall include but not be limited to, buildings, manufactured/mobile homes, signs, billboards, fences, walls, or ponds.

**Subdivision:** The division of a lot, tract or parcel into 2 or more lots, tracts, or parcels or other divisions of land, vacant or improved, which is proposed to be divided into lots, parcels, sites, units, plots or interest for the purpose of offer, sale, lease, or development. Or [alternate definition]: The division of any parcel of land shown as a unit or as contiguous units into two or more parcels, sites or lots, any which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

**Supply Yard:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pool:** A pool, pond, lake, or open tank containing at least one and one half (1.5) feet of water at any point and maintained by the owner or manager, and designated as either of the following:

- A. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and shall be an accessory use.
- B. Community: Operated with a charge for admission and shall be a primary use.

**Tank Storage:** In reference to petroleum or chemical product, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

**Telecommunication Facility:** A facility that transmits and/or receives electromagnetic signals. This includes, but is not limited to, antennas, microwave dishes, horns, wireless services, and other types of equipment for the transmission or receipt of such signals,

telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

**Thoroughfare (or Street or Road):** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which is primarily for through traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street: A street primarily for providing access to residential or other abutting property.
- G. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

**Tourist Camp:** Any lot, piece or parcel of ground where 2 or more camp cottages, tents, camping or travel trailers, house trailers, recreational vehicles (RVs) or mobile homes used as living space or sleeping quarters may be located, operated for or without compensation.

**Tourist Home:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**Tower Height:** The total height above grade includes the tower, the wind turbine, and the blades.

**Turbine:** The parts of a wind energy system including the blades, generator, and tail.

**Use:** The specific purposes for which land or a building(s) is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Use, Seasonal:** The occupation of any building or structure or activity for a period not to exceed more than 6 months of any one (1) calendar year.

**Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Veterinary Animal Hospital (or Clinic):** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Warehousing:** The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

**Wayside Stand:** A temporary structure designed, arranged or used for the display or sale of agricultural or other related products grown or produced on the premises upon which such stand is located (*See Roadside Stand*).

**Wind Energy System:** Any wind energy system subject to the definitions below. A system can equal one or more turbines connected to one electrical tie point.

- A. Small Wind Energy Systems: Any Wind Energy System with a combined aggregated power rating of less than 30 kilowatts and less than 120 feet in height shall be defined or classified as a Small Wind Energy System.
- B. Large Wind Energy Systems: Any Wind Energy System with a combined aggregated power rating of 30 kilowatts or more AND/OR over 120 feet in height, shall be defined or classified as a Large Wind Energy System.

**Yard:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground level of the graded lot upward. Walls, fences, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest portion of any structure existing or to be constructed. Where the street right of way is not established it shall be assumed to be 60 feet.

**Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the nearest portion of any structure existing or to be constructed.

**Yard, Side:** A yard extending from the nearest portion of any structure existing or to be constructed to the side lot line on both sides of the structure, and between the lines establishing the front and rear yards.

**Zoning Certificate:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**Zoning District:** *(See District)*

**Zoning Inspector:** The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions and ordinances.



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**ARTICLE 3**

**ESTABLISHMENT OF DISTRICTS**

**300    PURPOSE**

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

**302    ESTABLISHMENT OF DISTRICTS**

The following zoning districts are hereby established for the unincorporated area of Washington Township:

- R1    Rural Residential District
- R1A   Rural Residential District
- R2    Suburban Residential District
- C1    Highway Commercial District
- C2    General Commercial District
- I      Industrial District
- FP    Floodplain Overlay District
- OS    Open Space District
- PUD   Planned Unit Development Floating District
- EF    Excavation Floating District

**304    ZONING DISTRICTS MAP**

The districts established in *Section 302*, as shown on a map entitled “Zoning Districts Map of Washington Township, Henry County, Ohio,” which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

**306    IDENTIFICATION OF ZONING DISTRICTS MAP**

The zoning districts map shall be properly identified by the signature of the President of the Board of Township Trustees, and shall remain on file in the office of the Fiscal Officer. The zoning map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution.

**308    INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts established in *Section 302* as shown on the zoning map, the following rules shall apply:

- A.    Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- B.    Where district boundaries are so indicated as approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
- C.    Where district boundaries are so indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- D.    Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the center of the main tracks of said railroad line.
- E.    Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.
- F.    Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G.    Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

**310    ZONING UPON ANNEXATION**

All property annexed by a municipality shall be regulated by the zoning regulations which govern the property prior to annexation, until the legislative authority of said municipal corporation shall officially adopt zoning regulations for such territory.

## ARTICLE 4

### DISTRICT REGULATIONS

#### 400 COMPLIANCE WITH REGULATIONS

The regulations for the districts established in *Section 302* shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within each respective district, except as hereinafter provided:

- A. No building, structure, or part thereof, shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building is located.
- B. No building or other structure shall be erected or altered:
  - 1. to provide for greater height or bulk;
  - 2. to accommodate or house a greater number of families;
  - 3. to occupy a greater percentage of lot area;
  - 4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this Resolution.
- C. No parcel of land, lot or yard shall hereafter be so reduced or divided so as to provide less than the minimum requirements in the district in which said parcel, lot or yard is situated. Furthermore, no parcel of land, lot or yard created on the effective date of adoption or amendment of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein.
- D. Except as herein provided, every required yard shall be open and unobstructed.
- E. No required yard or other open space around one (1) building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on an adjoining lot whereon a building is to be erected or established.
- F. Existing use notwithstanding anything contained in this article, uses that existed and were in compliance with existing zoning regulations on the date of this amendment shall not be required to seek additional approvals for continued use provided that no change in use should occur or no change in the configuration of the property and/or improvements should occur. Any change in use of the property or change in use of the physical improvements on the property will cause

the property to come under the most recent copy of the zoning code as approved by the Township which may necessitate additional permits and approvals for continuing said use of the property.

G. Additional permits may be required by the state, county, or other public entities.

**402 DRAINAGE**

Surface and/or subsurface water drainage: It shall be the responsibility of any individual intending to develop, improve, or build on a property within the township to provide the Zoning Inspector a surface and subsurface storm water drainage plan prior to the issue of a building permit. Any individual with a proposed improvement to a property within the township must show evidence of due diligence in determining what, if any, storm water management facilities or improvements are needed, prior to the issuance of a zoning certificate or conditional zoning certificate.

Storm water management facilities may include the following:

- A. Surface drainage systems or proper surface grade alterations to accommodate redirection of surface water flow that will not encroach on adjoining or adjacent properties;
- B. Storm sewer and tile systems. In the case of building on property with an existing subsurface agricultural tile system, the new construction must not interfere with the current tile system capacity and if any alterations are necessary to the existing drainage system, current capacity must be maintained through redirection or additional tile to maintain water flow of the preexisting drainage system;
- C. Storm water retention structures; and
- D. Open ditches, swales, and diversion channels.

Altering the existing surface grade will require owner/developer to provide a surface drainage plan that takes into account the following:

- A. The existing grade of the property;
- B. Surface water flow across the property;
- C. Plans to properly channel diverted surface water flow resulting from grade changes, either handling the diversion the site or channeling off site without negatively effecting adjoining or adjacent properties; and
- D. Additional requirements in regards to Storm Water Management See Section 538.

Alterations to open ditches, swales, and diversion channels:

Application to Tile Open Ditch must be completed with Henry County Engineer prior to the issuance of a zoning certificate or conditional zoning certificate.

**404    OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

District regulations shall be as set forth in the Official Schedule of District Regulations, hereinafter depicted in table format. The official schedule specifies which uses are permitted and conditionally permitted in the zoning districts established in *Section 302*. Except as set forth in sections 906 through 922, any use not specifically listed as either permitted or conditionally permitted shall be a prohibited use in the respective zoning district and shall only be permitted upon rezoning of the land in question or the amendment of this Resolution (*See Article 11: Procedures And Requirements For Amendments*), or upon a finding that the use is substantially similar to a specific use listed in the official schedule (*See Section 1020: Procedures And Requirements To Determine That A Use Is Substantially Similar*).

The Official Schedule of District Regulations also contains the major dimensional requirements for all uses within the respective district. These dimensional requirements must be followed unless otherwise specified in this Resolution, or a variance has been granted by the Board of Zoning Appeals (*See Article 9: Procedures And Requirements For Appeals And Variances*).

In addition to the official schedule, *Article 5: Supplementary District Regulations*, contains additional use and dimensional requirements applying to all districts.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
R-1 RURAL RESIDENTIAL DISTRICT**

**PURPOSE:** This district accommodates single and two-family residential development in areas not served by public water and/or sanitary sewer facilities, and where the underground water supply or the soil conditions for sewage disposal are inadequate to accommodate a higher density.

<p align="center"><b>PERMITTED USES</b></p> <p>Accessory Use Dwelling, Single Family Dwelling, Two-Family Permanently Sited Manufactured Home (a) Ponds</p>	<p align="center"><b>PERMITTED USES</b></p>	<p align="center"><b>CONDITIONALLY PERMITTED USES</b></p> <p>Campground Facility (See Notes) Cemetery (See Notes) Home Occupation (See Notes) Public Utility/Essential Service/Public Service Facility or Quasi-Public Use (See Notes) Recreational Extensive (See Notes) Lakes (b)</p>
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<b>LOT REQUIREMENTS</b>		<b>YARD SETBACK REQUIREMENTS</b>				<b>BUILDING REQUIREMENTS</b>			
		<b>Principal Use</b>		<b>Accessory Use</b>		<b>Principal Use</b>		<b>Accessory Use</b>	
Lot Area	2 acres	Front Yard	90 ft.	Front Yard	90 ft.	Height Limit	35 ft.	Height Limit	35 ft.
Lot Width	200 ft.	Side Yard	20 ft. each side	Side Yard	20 ft. each side	Min. Floor Area Per Dwell. Unit	900 sq. ft.	Max. Floor Area	N/A
Lot Frontage	200 ft.	Rear Yard	50 ft.	Rear Yard	50 ft.	Min. Length & Width	22 ft. x 22 ft.		
						Minimum Roof Pitch	3:12 pitch		
						Permanent Frost-free Foundation			

<p align="center"><b>Permitted Use Notes</b></p> <p>(a) Subject to Section 542</p>	<p align="center"><b>Conditional Use Notes</b></p> <p>All conditions Subject to Section 1016</p> <p>Cemetery (Subject to Section 1018E)</p> <p>Licensed Campground Facility (Subject to Section 1018D)</p> <p>All applicable campground facilities shall comply with respective State and local Health Department rules and regulations</p> <p>Recreational Extensive requires minimum of 10 acres</p> <p>Home occupation provided said use does not adversely affect neighbors or result in additional on street parking</p> <p>(b) No pond or lake shall be permitted on parcels of less than two (2) acres.</p>
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**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
R-1A RURAL RESIDENTIAL DISTRICT**

**PURPOSE:** This district recognizes existing residential built up and requires public: water and sanitary sewer improvements once a desired development density is reached in order to preserve and protect the existing groundwater supply and to minimize sewage contamination into said supply and natural drainage.

PERMITTED USES	PERMITTED USES	CONDITIONALLY PERMITTED USES
Accessory Use Dwelling, Single Family Dwelling, Two-Family Permanently Sited Manufactured Home (a) Ponds		Home Occupation (See Notes) Lakes (b)
		<i>**Any Use not specifically listed shall require amendment of this resolution and/or of the District Map or completion of and approval of a Planned Unit Development (P.U.D.) as provided for herein.</i>

LOT REQUIREMENTS	YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
	Principal Use	Accessory Use	Principal Use	Accessory Use
Lot Area            2 acres Lot Width           200 ft. Lot Frontage       200 ft.	Front Yard    90 ft. Side Yard     20 ft. each side Rear Yard     50 ft.	Front Yard    90 ft. Side Yard     20 ft. each side Rear Yard     50 ft.	Height Limit     35 ft. Min. Floor Area Per Dwell. Unit            900 sq. ft. Min. Length & Width 22 ft. x 22 ft. Minimum Roof Pitch 3:12 pitch Permanent Frost-free Foundation	Height Limit     35 ft. Max. Floor Area    N/A

Permitted Use Notes	Conditional Use Notes
All Permitted uses subject to Section 512 & Section 516 (a) Subject to Sections 542 & 544	Home Occupation Subject to Section 1016 (b) No pond or lake shall be permitted on parcels of less than two (2) acres.



**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
R-2 SUBURBAN RESIDENTIAL DISTRICT**

**PURPOSE:** This district accommodates existing residential built up areas, and areas that are served by public water and/or sanitary sewer facilities.

<b>PERMITTED USES</b> Accessory Use Dwelling, Single Family Dwelling, Two-Family Permanently Sited Manufactured Home (a) Multi-Family Dwelling Ponds	<b>PERMITTED USES</b>	<b>CONDITIONALLY PERMITTED USES</b> Home Occupation (See Notes) Lakes (b) <i>**Any Use not specifically listed shall require amendment of this resolution and/or of the District Map or completion of and approval of a Planned Unit Development (P.U.D.) as provided for herein.</i>
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<b>LOT REQUIREMENTS</b>	<b>YARD SETBACK REQUIREMENTS</b>		<b>BUILDING REQUIREMENTS</b>	
	Principal Use	Accessory Use	Principal Use	Accessory Use
Lot Area            1 acre	Front Yard    55 ft.	Front Yard    55 ft.	Height Limit     35 ft.	
Lot Width          125 ft.	Side Yard      10 ft. each side	Side Yard      10 ft. each side	Min. Floor Area Per Dwell. Unit 900 sq. ft.	Height Limit     35 ft.
Lot Frontage      125 ft.	Rear Yard      40 ft.	Rear Yard      40 ft.	Min. Length & Width 22 ft. x 22 ft.	Max. Floor Area   N/A
			Minimum Roof Pitch 3:12 pitch	
			Permanent Frost-free Foundation	

<b>Permitted Use Notes</b> All Permitted uses subject to Section 512 & Section 516 (a) Subject to Section 542	<b>Conditional Use Notes</b> Home Occupation Subject to Section 1016 (b) No pond or lake shall be permitted on parcels of less than two (2) acres.
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**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
C-1 HIGHWAY COMMERCIAL DISTRICT**

**PURPOSE:** This district provides for highway oriented businesses and other uses ideally located in such areas served by major thoroughfares and highways.

PERMITTED USES	PERMITTED USES	CONDITIONALLY PERMITTED USES
Accessory Use Business Child Day Care Facility Club Commercial Entertainment Facility Dwelling, Multi-Family (a) Funeral Home Highway Uses? Where defined? Nursing Home & similar Principal Uses Public Use Quasi-Public Use Recreation Facility – Intensive Supply Yard	Veterinary Hospital/Kennel Ponds	Cemetery (See Notes) Commercial Center (See Notes) Dwelling, Single Family (a) Dwelling, Two-Family (b) Garage, Service Station (See Notes) Manufactured/Mobile Home Park (See Notes) Permanently Sited Manufactured Home (c) Public Utility/Essential Service/Public Service Facility (See Notes) Recreation Facility – Extensive (minimum 10 acres) Telecommunication Facility (See Notes) Lakes (d)

LOT REQUIREMENTS	YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
	Principal Use		Accessory Use	
Lot Area            1 acre Lot Width            150 ft. Lot Frontage        150 ft.	Front Yard    90 ft. Side Yard      10 ft. each side Rear Yard      20 ft.	Front Yard    90 ft. Side Yard      10 ft. each side Rear Yard      20 ft.	Height Limit      35 ft. Min. Floor Area   N/A	Height Limit      35 ft. Max. Floor Area   N/A

Permitted Use Notes	Conditional Use Notes
(a) Subject to Section 1016 and lot, yard and building requirements of R-2	All Uses Subject to Sections 534 and 1016 (a) Subject to Section 1016 and lot, yard and building requirements of R-2 (b) Subject to Section 512 and Subject to Section 516 (c) Subject to Section 542 Cemetery – Subject to Section 1018E Commercial Center – Subject to Section 530 Garage Service Station – Subject to Section 1018A Manufactured/Mobile Home Park – Subject to Section 1018C Public Utility/Telecommunication Facility – Subject to Section 536 (d) No pond or lake shall be permitted on parcels of less than two (2) acres.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
C-2 GENERALCOMMERCIAL DISTRICT**

**PURPOSE:** This district encourages integrated groupings of retail stores and personal and professional services.

<b>PERMITTED USES</b>		<b>PERMITTED USES</b>		<b>CONDITIONALLY PERMITTED USES</b>		
Accessory Use Business Business, General Business, Office Type Business Child Day Care Facility Club Commercial Entertainment Facility Dwelling, Single Family (b) Dwelling, Two-Family (b) Dwelling, Multi-Family (a) Funeral Home Highway? Nursing Home & similar Principal Uses Public Use Quasi-Public Use Recreation Facility – Intensive Service Business Supply Yard Wholesale		Veterinary Hospital Ponds		Cemetery (See Notes) Commercial Center (See Notes) Dwelling, Single Family (a) Dwelling, Two-Family (b) Garage, Service Station (See Notes) Manufactured/Mobile Home Park (See Notes) Permanently Sited Manufactured Home (c) Public Utility/Essential Service/Public Service Facility (See Notes) Recreation Facility – Extensive (minimum 10 acres) Telecommunication Facility (See Notes) Animal Boarding or Breeding Kennel Lakes (d)		
<b>LOT REQUIREMENTS</b>	<b>YARD SETBACK REQUIREMENTS</b>		<b>BUILDING REQUIREMENTS</b>			
	Principal Use		Accessory Use		Principal Use	Accessory Use
Lot Area            1 acre Lot Width            150 ft. Lot Frontage        150 ft.	Front Yard    90 ft. Side Yard      10 ft. each side Rear Yard      20 ft.	Front Yard    90 ft. Side Yard      10 ft. each side Rear Yard      20 ft.	Height Limit    35 ft. Min. Floor Area   N/A	Height Limit    35 ft. Max. Floor Area   N/A		
<b>Permitted Use Notes</b>			<b>Conditional Use Notes</b>			
(a) Subject to Section 1016 and lot, yard and building requirements of R-2 (b) Subject to Section 1016 and lot, yard and building requirements of R-1			All Uses Subject to Sections 536 and 1016 (a) Subject to Section 1016 and lot, yard and building requirements of R-2 (b) Subject to Section 512 and Subject to Section 516 (c) Subject to Section 542 Cemetery – Subject to Section 1018E Commercial Center – Subject to Section 530 Garage Service Station – Subject to Section 1018A Manufactured/Mobile Home Park – Subject to Section 1018C Public Utility/Telecommunication Facility – Subject to Section 536 (d) No pond or lake shall be permitted on parcels of less than two (2) acres.			

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
I INDUSTRIAL DISTRICT**

**PURPOSE:** This district provides for certain non-retail commercial uses, warehousing and storage, manufacturing, assembling and fabricating industries and/or activities. (a)

PERMITTED USES	PERMITTED USES	CONDITIONALLY PERMITTED USES
Accessory Use Automotive Repair Business (a) Light Supply Yard Dwelling, Single Family (b) Dwelling, Two-Family (b) Trucking Facilities Warehousing Wholesale Manufacturing Ponds		(See Notes) Manufacturing, Light Manufacturing, Heavy Outdoor Storage Research Activity Telecommunication Facility (See Notes) Lakes (b)

LOT REQUIREMENTS	YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS					
	Principal Use		Accessory Use		Principal Use		Accessory Use	
Lot Area            2 acres Lot Width            200 ft. Lot Frontage        200 ft.	Front Yard    100 ft. Side Yard      20 ft. each side Rear Yard      30 ft.	Front Yard    100 ft. Side Yard      20 ft. each side Rear Yard      30 ft.	Height Limit    N/A Min. Floor Area N/A	Height Limit    N/A Max. Floor Area N/A				

Permitted Use Notes	Conditional Use Notes
<p>In the interests of the community and other industries within the Industrial District, the Board of Zoning Appeals may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.</p> <p>All permitted uses are Subject to Section 1016. Areas used for storage are to be located in the rear yard in an enclosed structure or wall 8 ft. minimum height. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment and provided the area used for storage is located in the rear yard.</p> <p>(a) Subject to Section 1018A                      (b) Subject to Section 1016 and lot, yard and building requirements of R-1</p>	<p>All Uses Subject to Sections 1016 and 1018</p> <p>In the interests of the community and other industries within the Industrial District, the Board of Zoning Appeals/Zoning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.</p> <p>Areas used for storage are to be located in the rear yard in an enclosed structure or wall 8 ft. minimum height. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment and provided the area used for storage is located in the rear yard.</p> <p>Telecommunication Facility – Subject to Section 536                      (b) No pond or lake shall be permitted on parcels of less than two (2) acres.</p>

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
FP FLOODPLAIN OVERLAY DISTRICT**

**PURPOSE:** This district is established to guide and restrict development in the flood prone areas, and to minimize the potential hazards, expenses and inconveniences to the individual property owner and the general public that result from flooding.

<p align="center"><b>PERMITTED USES</b></p> <p>All uses permitted in the respective underlying district, and subject to Section 528.</p> <p>All corresponding notes of the underlying district shall also apply.</p>		<p align="center"><b>PERMITTED USES</b></p>		<p align="center"><b>CONDITIONALLY PERMITTED USES</b></p> <p>All uses conditionally permitted in the respective underlying district, and subject to Section 528.</p> <p>All corresponding notes of the underlying district shall also apply.</p>	
<b>LOT REQUIREMENTS</b>		<b>YARD SETBACK REQUIREMENTS</b>		<b>BUILDING REQUIREMENTS</b>	
		Principal Use		Principal Use	
		Accessory Use		Accessory Use	
Lot Area (a)	Front Yard (a)	Front Yard (a)	Front Yard (a)	Height Limit (a)	Height Limit (a)
Lot Width (a)	Side Yard (a)	Side Yard (a)	Side Yard (a)	Min. Floor Area (a)	Max. Floor Area (a)
Lot Frontage (a)	Rear Yard (a)	Rear Yard (a)	Rear Yard (a)		
<b>Permitted Use Notes</b>			<b>Conditional Use Notes</b>		
(a) Per the requirement of the respective underlying district.					

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
OS OPEN SPACE DISTRICT**

**PURPOSE:** This district is established to provide areas for public recreation and conservation purposes, and areas suitable for non-commercial recreation.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES		
Open Space Ponds				(See Notes) Campground Facility (a) Public Use Public Utility/Essential Service/Public Service Facility Quasi-Public Use (b) Recreation Facility – Extensive (minimum 10 acres) Lakes (c)		
LOT REQUIREMENTS	YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS			
	Principal Use		Accessory Use		Principal Use	Accessory Use
Lot Area        5 acres	Front Yard    90 ft.	Front Yard    90 ft.	Height Limit    35 ft.	Height Limit    35 ft.		
Lot Width       200 ft.	Side Yard     20 ft. each side	Side Yard     20 ft. each side	Min. Floor Area	Max. Floor Area	N/A	
Lot Frontage   200 ft.	Rear Yard     50 ft.	Rear Yard     50 ft.				
Permitted Use Notes			Conditional Use Notes			
<p>Shall only include public uses that uphold and promote the purpose of the Open Space Zoning District.</p> <p>Subject to Section 526.</p> <p>Quasi-Public Uses must uphold and promote the purpose of the Open Space Zoning District.</p> <p>Subject to Section 512.</p> <p>Subject to Section 516</p>			<p>All Conditional Uses Subject to Sections 1016 and 1018D</p> <p>(a) Subject to 1018 Section D</p> <p>(b) Subject to Section 536</p> <p>(c) No pond or lake shall be permitted on parcels of less than two (2) acres.</p>			

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
PUD PLANNED UNIT DEVELOPMENT FLOATING DISTRICT**

**PURPOSE:** This district is established to promote progressive development of land and construction thereon by encouraging planned unit developments with a minimum of 10 buildable lots to achieve a variety of housing and building types, increased density, and reduced yard requirements in exchange for the preservation of open space and natural features.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES	
Accessory Use (a) Commercial (a) Industrial (a) Multi-Family Residential (a) Single-Family Residential (a) Public Use (a) Quasi-Public Use (a)		Public Utilities are exempt from Township Zoning  Public Utility/Essential Service/Public Service Facility (b)  Ponds		Lakes (g)	
LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
		Principal Use	Accessory Use	Principal Use	Accessory Use
Lot Area	1 acre (c)	Front Yard 55 ft. (e)	Front Yard 55 ft. (e)	Height Limit 35 ft. (f)	Height Limit 35 ft. (f)
Lot Width	125 ft. (d)	Side Yard 10 ft. each side (e)	Side Yard 10 ft. each side (e)	Min. Floor Area	Max. Floor Area N/A
Lot Frontage	125 ft. (d)	Rear Yard 40 ft. (e)	Rear Yard 40 ft. (e)	Per Dwell. Unit 900 sq. ft.	
<b>Permitted Use Notes</b>			<b>Conditional Use Notes</b>		
(a) Subject to Section 540 C (b) Subject to Sections 1016 and 526 (c) 27,500 sq. ft. permitted if either public water or public/centralized sanitary sewer facilities serve dwelling. 11,000 sq. ft. permitted if both said facilities serve dwelling 2 acres required for ponds if private water and sanitary sewer facilities serve dwelling subject to Section 518. No permit will be issued unless applicant provides appropriate documentation that all health department requirements and permits have been met and obtained. (d) 80 ft. permitted if either public water or public/centralized sanitary sewer facilities serve dwelling. 60 ft. permitted if both said facilities serve dwelling. (e) Subject to Section 512. (f) Subject to Section 516.			(g) No pond or lake shall be permitted on parcels of less than two (2) acres.		

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
FOR EF EXCAVATION FLOATING DISTRICT**

**PURPOSE:** In recognition of the deposits of sand, gravel and other minerals in Washington Township, Henry County, Ohio, the EF District is established to permit extraction of the materials or the filling of land in a manner comparable with and not adversely affecting other uses of land in the surrounding area. This District shall be a floating district as determined by the Zoning Commission and not identified on the zoning map until an application is approved.

<p align="center"><b>PERMITTED USES</b></p> <p>Agriculture, excavation of sand, gravel and other materials, disposal of solid waste, location of temporary processing plant or equipment for the extracting process, and stockpiling of sand and gravel, which plant or equipment shall be removed within a period of four months following cessation of the operation. (a)</p>	<p align="center"><b>PERMITTED USES</b></p> <p>Temporary erections required to utilize property must be submitted to the Zoning Commission for review.</p>	<p align="center"><b>CONDITIONALLY PERMITTED USES</b></p>
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LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS				BUILDING REQUIREMENTS			
		Principal Use		Accessory Use		Principal Use		Accessory Use	
Lot Area	6 Acre Min.	Front Yard	TBD	Front Yard	TBD	Height Limit	35 ft.	Height Limit	TBD
Lot Width	TBD	Side Yard	TBD	Side Yard	TBD				
Lot Frontage	TBD	Rear Yard	TBD	Rear Yard	TBD				

Permitted Use Notes	Permitted Use Notes
<p>(a) All equipment used in the operation shall be placed and operated in a manner to minimize noise, vibration and dust. All access ways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.</p> <p>(a) No excavation of gravel or sand or other materials shall be permitted nearer than 50 feet to the boundary of the EF District, and the operation shall be screened by mounding of removed topsoil and other overburden around the extraction area to hide objectionable views and reduce noise. The location and height of such screening shall be shown on the plans for operation and restoration of the area submitted for review by the Zoning Commission.</p> <p>(a) In order to ensure adequate lateral support, all sand and gravel excavations shall be located at least fifty (50) feet and backfilled to at least one hundred (100) feet from the right-of-way line of any existing or platted street, road, highway or railway.</p> <p>(a) All excavations of gravel or sand shall be either made to a depth of at least five (5) feet below the water producing depth or shall be graded or backfilled with non-noxious and non-flammable solids to assure (1) that the excavated area will not collect and retain stagnant water, or (2) that the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contour of the surrounding area.</p>	<p>(a) Where flood water exists, soil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as approved by the Zoning Commission with a minimum of a 5:1 slope.</p> <p>(a) Before beginning operation in the EF District, the aforementioned plan for restoration of the area shall be reviewed and approved by the Washington Township Zoning Commission. Such approvals are in addition to any approval required by the Ohio Department of Natural Resources, Division of Reclamation, with respect to surface mining and the Ohio Environmental Protection Agency.</p> <p>(a) All operations taking place in this EF District shall comply with all regulations set forth by the State of Ohio Department of Natural Resources (ORC Chapter 1514, etc.)</p> <p>(a) All uses within this EF District shall comply with all federal, state and local regulations relating to erosion control. Appropriate control of silt shall be determined by the Zoning Commission.</p> <p>(a) All driveways and roads entering or exiting a property within this EF Floating District shall have the first 100 feet constructed of a hard surface such as concrete or asphalt paving (or shall use asphalt grinding to reduce sand, gravel or mud) and shall be located at least 15 feet from adjoining properties.</p>



## ARTICLE 5

### SUPPLEMENTARY DISTRICT REGULATIONS

#### 500 PURPOSE

The purpose of supplementary district regulations is to set specific conditions, applying to all respective districts, for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

#### 502 AGRICULTURAL USES

- A. Limitation of Zoning Powers: *Sections 519.02 to 519.25 of the Ohio Revised Code* confers no power on any board of township trustees, township zoning commission or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure. However, such building or structure shall conform to the regulations contained in this Resolution.

This Resolution, however, may in any platted subdivision (major subdivision), or in any area consisting of 15 or more lots approved under *Section 711.131 of the Ohio Revised Code* (minor subdivision) that are contiguous to one another, or some of which are contiguous to one another and adjacent to one (1) side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

1. Agriculture on lots of one (1) acre or less. All agricultural uses shall be prohibited on such lots.
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than 5 acres. Such buildings or structures shall conform only to yard setbacks, building height and size requirements of the district upon which said buildings or structures are located, and, if applicable, *Section 512.H: Nonresidential Uses Abutting Residential Districts*.
3. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than 5 acres when at least 35% of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under *Section 4503.06 of the Ohio Revised*

Code. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to *Article 8: Nonconformities* of this Resolution.

- B. Required Application: Any permanent or temporary agricultural use, building or structure that is proposed for construction or alteration on a lot that does not meet the requirements of *Subsection A. 1.-3.* shall require submittal of a special agricultural application to the Zoning Inspector. The application is not a zoning certificate and no fee will be required. The application shall be submitted prior to the completion of said construction or alteration, and shall include an accurate description and dimensions of the construction or alteration performed. The application is for documentation purposes only.
- C. Roadside Stand, Wayside Stand and Farm Market: Where applicable, shall be considered an agricultural use and shall conform to the requirements of this Section.

#### 504 **PROHIBITED USES**

The following uses shall not be allowed in any district:

- A. Coaches, bus bodies, vans, streetcars, railroad cars, and similar structures used for dwellings. Any of the aforementioned heretofore and presently used for dwelling purposes, as a nonconforming use, shall be removed from the premises if the requirements of *Section 818: Termination Of Nonconforming Uses* are met.
- B. Manufactured/mobile homes shall not be stored in the open in excess of 30 days unless properly sited for occupancy in accordance with the requirements of this Resolution.
- C. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except as resultant from normal domestic use of the premises, unless such dumping is done at a place recommended by the Zoning Commission and provided by the Township Trustees or County Commissioners for such specific purposes.
- D. The accumulation or storage of junk, junk motor vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the *Ohio Revised Code* shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- E. “Junk motor vehicle” means any motor vehicle meeting all of the following requirements:

1. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission.
2. Apparently inoperable.
3. Left uncovered in the open on private property for more than 72 hours with the possession of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of *Section 4737.04 to 4737.12* of the *Ohio Revised Code*, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that motor vehicle is part of a bona fide commercial operation; or if the vehicle is a collector's vehicle.

F. Any form of nuisance building(s) to remain on the premises.

Nothing in this Resolution shall prevent a person from storing or keeping, or restrict him in the method of storing or keeping, one (1) collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that any person having such permission must conceal, by means of buildings, fences, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The Board of Township Trustees or the Board of Zoning Appeals may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within 10 days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property. No person shall willfully leave a junk motor vehicle uncovered in the open for more than 10 days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that junk motor vehicle continues to be so left constitutes a separate offense.

**506 ABATEMENT, CONTROL, OR REMOVAL OF VEGETATION, GARBAGE, REFUSE, OR DEBRIS**

- A. The Board of Township Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Board of Trustees determines that the owner's maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance.
- B. At least 30 days prior to providing for the abatement, control or removal of any vegetation, garbage, refuse, or debris, the Board of Township Trustees or their

agent shall notify the owner of the land and any holders of liens of record upon the land that a notice of violation is being served (*See Section 1324: Notice Of Violation*) and that:

1. The owner is ordered to abate, control or remove the vegetation, garbage, refuse, or debris, the owner's maintenance of which has been determined by the Board of Trustees to be a nuisance.
  2. If such vegetation, garbage, refuse or other debris is not abated, controlled or removed, or if provision for its abatement, control, or removal is not made within 30 days, the abatement, control or removal, and any expenses incurred by the board in performing that task, will be entered upon the tax duplicate and will be a lien upon the land from the date of entry. In addition, the owner will be subject to fines as provided *in Section 1326 : Penalties And Fines*.
  3. The Board of Township Trustees shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. The owner of the land or holders of liens of record upon the land may enter into an agreement with the Board of Trustees providing for either party to the agreement to perform the abatement, control, or removal prior to the time the Board of Trustees is required to provide for the abatement, control, or removal under *Subsection C*. below.
- C. If, within 30 days after notice is given, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into under *Subsection B*. above, the Board of Township Trustees shall provide for the abatement, control or removal and may employ the necessary labor, materials and equipment to perform the task. Once the date of abatement, control or removal is established the owner shall neither be granted an extension nor the opportunity to enter an agreement with the Township Trustees. All expenses incurred shall, when approved by the Board of Trustees, be paid out of the Township General Fund from moneys not otherwise appropriated.
- D. The Board of Township Trustees shall make a written report to the County Auditor of the Board's action under this section. The Board of Trustees shall include in the report a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, as provided in *Subsection C*. above, including the Board of Trustees' charges for its services, notification, the amount paid for the labor, materials, and equipment, and a proper description of the premises. The expenses incurred, when allowed, shall be

entered upon the tax duplicate, are a lien upon the land from the date of the entry, and shall be collected as other taxes and returned to the township and placed in the Township General Fund.

**508 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

- A. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
- C. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- D. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- E. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property.
- F. Direct or reflected glare is present which is visible from any street or from any property not within an Industrial District.
- G. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
- H. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

**510 YARD MEASUREMENTS**

- A. The minimum front yard depth shall be measured on the perpendicular from the center of the traveled portion of the street to the building setback line. Streets having no established right-of-way shall have such right-of-way established by classifications in the County Subdivision Regulations, or by assuming the street has a 60 foot right-of-way, with the center of the traveled portion of the street being the center of the right-of-way.
- B. The minimum side yard depth and rear yard depth shall be measured on the perpendicular from the respective lot lines to the nearest point of any structure.
- C. Corner and double frontage lots shall comply with the minimum front yard depth on both streets.

**512 YARD EXCEPTIONS**

- A. Fences, Hedges and Walls: In all districts, except Industrial, fences, hedges, and walls may be constructed to a maximum height of 6 feet for side and rear yards, and to a height of 3 feet in any required yard abutting a street. Fences, hedges, walls and similar structures shall maintain a yard setback of 2 feet unless notarized written consent between the abutting/affected property owners is submitted to the Zoning Inspector. Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.
- B. One Story Garages or Accessory Buildings: Subject to §512(E) in Residential Districts one (1) story detached garages or other accessory buildings may be located 5 feet from side and rear property lines when located in back of the principal building.
- C. Corner Lots: In all districts, no obstruction in excess of 2 feet in height shall be placed on any corner lot within a triangular area formed by the street property lines or the projected point of intersection of the street property lines and a line connecting points 25 feet from the intersection of the street property lines or the projected point.
- D. Sale, Lease, or Use of Required Yard Space: No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Resolution for a lot or building may be sold, leased, or used from such a lot or building unless other space is available to comply with said requirements.
- E. Lots Abutting Agricultural Use: Any side of a lot that abuts an agricultural use shall maintain an open and unobstructed yard setback of 10 feet for trees, plants and related vegetation. Fences, hedges, walls and similar structures shall maintain a yard setback of 2 feet unless notarized written consent between the abutting/affected property owners is submitted to the Zoning Inspector.

- F. Lakes and Ponds: All lakes and ponds not used 100 percent for agricultural purposes shall meet the same setback requirements as a principal use. Ponds and Lakes shall not be built within 25 feet of an open waterway. For pond and Lake design see *Section 518: Ponds (and Lakes)*.
- G. Multi-Family Dwellings: Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and 2 side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
- H. Nonresidential Uses Abutting Residential Districts: Nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between 4 and 8 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four 4 feet in height at the time of planting, and properly trimmed and maintained in good condition. Neither type of screening shall obscure traffic visibility.
- I. Structures Abutting Open Waterways: All structures shall be 25 feet from all open waterways to permit proper channel maintenance and access for utilities.
- J. Satellite Antennas: A satellite antenna/dish shall not be closer than 5 feet from any side or rear lot line, and must meet the front yard setback of the principal use.

**514 BUILDING REGULATIONS**

- A. Principal Building Per Lot and Frontage Requirements: No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution. Furthermore, every principal building, structure, or lot shall front or abut on a public or private street or thoroughfare.

All future streets, public or private, shall have a minimum right-of-way of 60 feet. All turnarounds shall have a minimum radius of 60 feet.

- B. Accessory Buildings: An accessory building, unless attached to and made structurally a part of the main building shall not be closer than 5 feet to the principal building.

1. **Shipping containers** may be used as Accessory Structures under the following Guidelines:

- a. The shipping container may be placed on a reinforced concrete slab of at least four inches depth or on a minimum of a four inch compacted gravel pad.
- b. Placement of shipping container must follow the accessory use setbacks. Lot for shipping container placement must be a minimum of two acres.
- c. Residential Use – Lot must have an existing single family dwelling.  
Commercial Use – Lot must have an existing Commercial structure.
- d. Must be structurally sound and remain in rust-free condition with a maximum of two colors consistent with the paint scheme of existing structures.
- e. The shipping container shall be assessed and taxed as permanent real estate, not personal property.
- f. No more than two shipping containers to be allowed on property zoned residential or commercial. More than two would be considered a structure requiring the necessary permits from the Zoning Inspector.

- C. Temporary Buildings: Temporary buildings or uses for purposes incidental to construction work, or as an accessory use, shall be permitted, provided such buildings or uses shall not be continued as permanent structures or uses. The period of continuance shall not exceed 6 months. Additional continuances may be granted by the Board of Zoning Appeals.

Any temporary building proposed for construction or alteration shall require a zoning certificate. Temporary buildings do not have to meet the minimum square footage requirements as provided in *Section 402: Official Schedule Of District Regulations*.

- D. Foundations: All dwellings shall have a full foundation complying with acceptable building codes, including a foundation wall of the same perimeter dimensions as the respective dwelling.
- E. Roof Requirements: All residential dwellings shall have a roof with a minimum 3 to 12 pitch. The roof shall be finished with a type of shingle or other roofing material that is commonly used in standard residential construction.



**516 HEIGHT EXCEPTIONS**

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established here for the district in which the structure is located, except that:

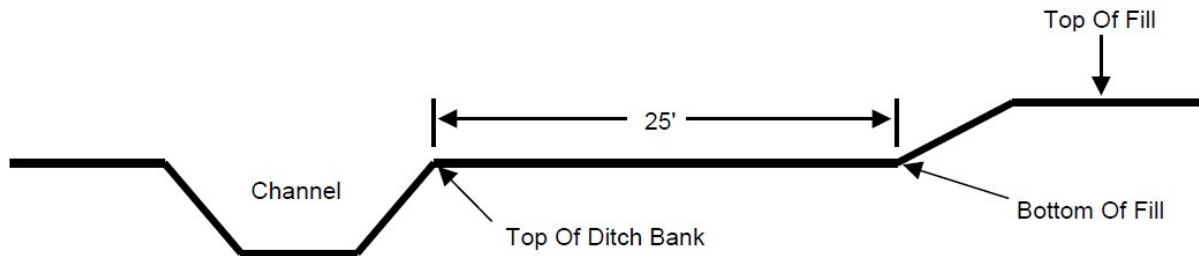
- A. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, sky light, towers, steeples, stage lofts, and screen chimneys, smoke stacks, water tanks, or similar structures may be erected to exceed by not more than 15 feet the height limits of the district in which it is located; provided that such structure shall not have a total area greater than 20 percent of the roof area of the building and shall not be used for any residential purposes.
- B. Radio, television, and wireless aerials, or masts and flag poles may be erected to any height except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport, or otherwise present a risk to health or safety.

**518 PONDS (and Lakes)**

Ponds and Lakes shall be designed to prevent adverse effects of drainage onto adjoining properties. A drainage system shall be installed to accommodate overflows and surface drainage and to divert such run off to a suitable outlet or drainage ditch. An adequate site plan depicting said drainage system shall be required by the Zoning Inspector. Proper maintenance of the pond and lake drainage system shall be the responsibility of the property owner(s).

- 1. The minimum lot size for ponds shall be 2 acres. The minimum lot size for a lake shall be 8.3 acres.
- 2. The setback from the midpoint of the travelled portion of the road shall be 90 feet.
- 3. The grade break of a pond and lake shall not be nearer than 50 feet from any well and not nearer than 50 feet from any septic system.
- 4. Ponds and Lakes shall have a minimum of 25 feet of level area between the nearest ditch or creek bank and the grade break of a pond or lake. See the diagram below.
- 5. The embankment and dirt or spoils from the pond or lake may not exceed a height of more than twelve feet higher than the property grade. The embankment and dirt or spoils from the pond or lake shall meet a 10 foot setback for the side yard and 50 feet from the rear yard unless notarized written consent between the abutting/affected property owner(s) is submitted to the Zoning Inspector prior to the permit approval or to the Board of Zoning Appeals for Lakes.
- 6. The pond and lake permit applicant is responsible for any drainage tiles being affected. The pond permit applicant must adhere to the Ohio Revised Code pertaining to tile and drainage issues.
- 7. The pond or lake permit is good for one year or to completion with a maximum renewal of one year.

8. A pond or lake shall be designed and constructed to maintain the original grade of the pond or lake plus or minus six inches as determined by the Zoning Inspector or the ninety five percent of the original grade of the pond or lake must be maintained as determined by the Zoning Inspector or the Board of Zoning Appeals. The Board of Zoning Appeals may deny a permit if it determines the failure of any dam used to create the pond or lake will cause a safety issue to neighboring homes, businesses or property.
9. Dirt or spoils removed from the property by the owner(s) or their agent(s) during the construction of a pond or lake shall be limited to 8061 yards. Any additional removal of dirt or spoils shall require an excavation permit or changing the zoning to EF floating district.
10. Ponds and lakes shall be no larger than twelve and one half percent of the total property size. Lakes shall have a spillway constructed of a hard surface such as concrete or masonry construction.
11. Ponds or Lakes with dams greater than one foot but less than 10 feet on height shall have the construction design approved by a Professional Engineer or the approval of the County Engineer prior to the permit being issued.
12. Any property owner/owners that violate these rules Ponds and Lakes shall not receive any additional Zoning or Building permits until said violation is removed or remedied as determined by the Zoning Inspector. Zoning Inspector shall have up to ten (10) business days to verify violation is removed or remedied and shall report these findings to the Township Trustees at the next regularly scheduled Trustee meeting.



**520 COMPLIANCE WITH HEALTH DEPARTMENT**

No building permit or zoning certificate shall be issued without evidence that the Health Department has approved the proposed sanitary sewage disposal and water facilities for the use for which the building permit or zoning certificate has been requested.

**522 PRIVATE SWIMMING POOLS**

No private in ground pool, exclusive of portable swimming pools with a diameter of less than 12 feet or with an area of less than 100 square feet, above ground pools with a locking gate, or ponds, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- A. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests, and shall follow the same setback requirements as an accessory use.
- B. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than 4 feet in height, and it shall be maintained in good condition with a gate and latch.

**524 PARKING AND STORAGE OF VEHICLES AND TRAILERS**

No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except licensed commercial vehicles currently used for occupational purposes, or required for conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking or vehicles owned by the property owner. No commercial vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building (*See Section 504: Prohibited Uses*).

**526 PUBLIC UTILITIES**

*Sections 519.02 to 519.25 of the Ohio Revised Code* confer no power on any board of township trustees, township zoning commission or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, a zoning certificate shall still be required for any utility buildings, structures or uses that do not occupy a public right-of-way. Utility lines, mains and related service apparatus may be exempted if located outside of a public right-of-way (e.g., public or private easement).

**528 FLOODPLAIN DEVELOPMENT**

Any proposed use or development activity that is located within the Floodplain Overlay District boundaries shown on the official zoning districts map shall comply with the Henry County Special Purpose Flood Damage Prevention Regulations, prior to the actual development of such use or activity, and the issuance of a zoning certificate. The floodplain district is an approximate replica of the flood zones shown on the Henry County Flood Insurance Rate Map (FIRM), Community Panel Number: 390776 0050 B. Therefore, whenever the zoning map floodplain district boundaries conflict with the FIRM, the FIRM shall take precedence. The flood regulations for Henry County are enforced by the Henry County Planning Commission.

**530 COMMERCIAL CENTERS**

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan showing the site layout including the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and vehicular circulation patterns to and from the site; store locations and dimensions, off-street parking spaces, landscaped yards, and the location, type, and lighting of signs shall be submitted to, and approved by the Board of Zoning Appeals, before a conditional zoning certificate is issued.

The approval of the site plan shall be required whenever 2 or more commercial uses are to be placed upon a parcel of land under the same ownership, or where 2 or more commercial structures may be built to best advantage by using common wall construction.

**532 WIND ENERGY SYSTEMS**

The purpose of this section is to establish general guidelines for the location of Wind

Energy Systems. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of Wind Energy Systems that are conducive to protect the public health, safety, comfort, general welfare, and well-being of the public. The Township also recognizes the need to protect the beauty of the area from unnecessary and unreasonable visual interference, noise radiation, and that Wind Energy Systems may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this section seeks to:

1. Protect residential and agricultural areas from potential adverse impact of Wind Energy Systems;
2. Permit Wind Energy Systems in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
3. Ensure the public health, welfare, and safety of the Township's residents in connection with Wind Energy Systems; and
4. Avoid potential damage to real and personal property from the Wind Energy Systems or the failure of such structures and related operations.

**PERMITTED USE:**

Small and Large Wind Energy Systems shall be a permitted use in all zoning districts where structures of any type are allowed, subject to the following regulations:

- A. Height: The maximum height of any Small Wind Energy System shall be no more than 120 feet, which, includes the tower and the maximum vertical height of the turbine's blades, which will require a permit. Any system in excess of 120 feet will be classified as a Large Wind Energy System and be required to apply for a conditional use permit from the Board of Zoning Appeals. Note: The FAA is required to receive notification if the structure exceeds 199 feet.
- B. FAA: If located within an Airport District, the applicant shall inquire with the said District and follow all rules, regulations, and guidelines of the airport authority.
- C. Lot Size and Placement: A Small Wind Energy System shall be located on a minimum of 1 acre or more. Lots under 1 acre in size may be granted a variance for a Small Wind Energy System from the Board of Zoning Appeals depending on the surroundings of the said lot and subject to adjacent land owners approval. A Large Wind Energy System shall be located on a minimum of 2 acres or more. Lots under 2 acres in size may be granted a variance for a Large Wind Energy System from the Board of Zoning Appeals depending on the surroundings of the said lot and subject to adjacent land owners approval.

No Small or Large Wind Energy System shall be located, mounted, placed or attached to any structure unless a Professional Engineer (P.E.) certifies the energy system, as well as, the structure combined, will sustain wind turbulence.

- D. Setbacks: Wind Energy Systems erected on a parcel of land must establish a "clear fall zone" from all neighboring property lines and structures as well of road right of ways. The Wind Energy System must be placed at least the height of the tower plus an additional fifty (50) feet from all road right of ways and utility easements as well as neighboring properties. Guide wires for the Wind Energy System, if applicable, shall follow normal setback requirements. If, in the event a setback cannot be attained due to lot size limitations, the owner must procure a waiver signed and notarized by all adjoining property owners.
- E. Noise and Decibels Levels: The Wind Energy System shall not by its operation create any noise nuisance. Decibel levels for the system shall not exceed 50 decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.
- F. Aesthetics: The Wind Energy System, including the prop blades, turbine, cowling, and tower shall be of neutral colors. Logos, signage, or other identification markings other than those of the manufacturer are not permitted. No other antennae or dishes and the like are permitted to be mounted or attached to the Wind Energy System.
- G. Agricultural Use: Any Wind Energy System utilized for agricultural use will not be exempt from these regulations but will require a permit with no fees. When the system is located on an existing structure or silo, a Professional Engineer (P.E.) must certify the energy system and the supporting structure will sustain wind turbulence.

To qualify for Agricultural use, 80% of the aggregated capacity shall be consumed on site.

- H. Permits: A permit shall be required before construction of any Wind Energy System. Applicant shall inquire with any Airport District in the surrounding area for any additional height restrictions or regulations. Permit fees are based on accessory uses for either Small Wind Energy Systems or Large Wind Energy Systems certificates.
- I. Small Wind Energy System: Any Wind Energy System with a combined aggregated power rating of less than 30 kilowatts and less than 120 feet in height, shall be defined or classified as a Small Wind Energy System. It is the determination of the Zoning Inspector to make the decision on classifying a Small Wind Energy System; and shall require a building permit (accessory use) issued by the Zoning Inspector.
- J. Large Wind Energy System: Any Wind Energy System with a combined aggregated power rating of 30 kilowatts or more AND/OR over 120 feet in height, shall be defined or classified as a Large Wind Energy System, and shall have a setback of 750 feet from all road right of ways and utility easements as well as neighboring properties. If, in the event a setback cannot be attained due to lot size limitations, the owner must procure a waiver signed and notarized by all adjoining property owners. It is the determination of the Zoning Inspector or Board of Zoning Appeals to make the decision on defining or classifying a Wind Energy System of 30 kilowatts or more as Agricultural or Large Wind Energy System usage; and shall require a conditional use permit issued by the Board of Zoning Appeals.

Large Wind Energy Systems must show yearly proof of liability insurance, carry a bond, provide yearly training to the Township Trustees for safety measures and be reviewed yearly. The permit will also require a yearly renewal fee.

The following items and/or information shall be provided when applying for any Wind Energy System permit:

- 1. Location of all public and private airports in relation to the location of the Wind Energy System, as well as, any applicable FAA restrictions that pertain to Wind Energy System installation.
- 2. An engineering report that shows:
  - a. The total size and height of the Tower Height.
  - b. The total size and depth of the Wind Energy System concrete mounting pad.
  - c. An average decibel rating for that particular model.
  - d. A list and depiction of all safety measures that will be on the Wind Energy System including but not limited to anti-climbing devices, grounding devices, and lightning protection.

- e. Data specifying the kilowatt size and generating capacity of the Wind Energy System.
3. A site drawing showing the location of the Wind Energy System in relation to existing structures on the proposed property, roads and other public right of ways, and neighboring properties.
4. Evidence of a “clear fall zone” with the manufacturers’ recommendations must accompany the engineering report.
5. A maintenance plan as well as a safety plan for the Wind Energy System shall be required as part of the permit.
6. The Wind Energy System electrical wire shall be placed underground to any other structures.
7. No grid-interconnected Wind Energy System shall be installed until evidence has been given that the utility company has been informed in writing by the customer of his intent to install a grid-connected customer-owned Wind Energy System. The customer must receive written approval from the utility company to be grid-interconnected. Off grid systems shall be exempt from this requirement.
8. The applicant shall notify the zoning inspector if operations of the Wind Energy System cease and shall be removed within 60 days of ceasing operations.

### **534 SOLAR ENERGY SYSTEMS**

**ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is attached to a building's roof on the parcel of land including solar shingles.

**COMMERCIAL SOLAR ENERGY SYSTEM:** A utility-scale facility of solar energy systems with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is not attached to and is separate from any building on the parcel of land on which the solar energy system is located (Figure 1).

**ON-SITE:** A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

**RACKING:** Racking is any structure or building material used in the mounting of a solar panel (Figure 1).

**SOLAR ENERGY SYSTEM COMPONENT:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

**SOLAR ENERGY:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**SOLAR ENERGY SYSTEM:** A solar energy system or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

**SOLAR PANEL:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

**SOLAR SHINGLES:** A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

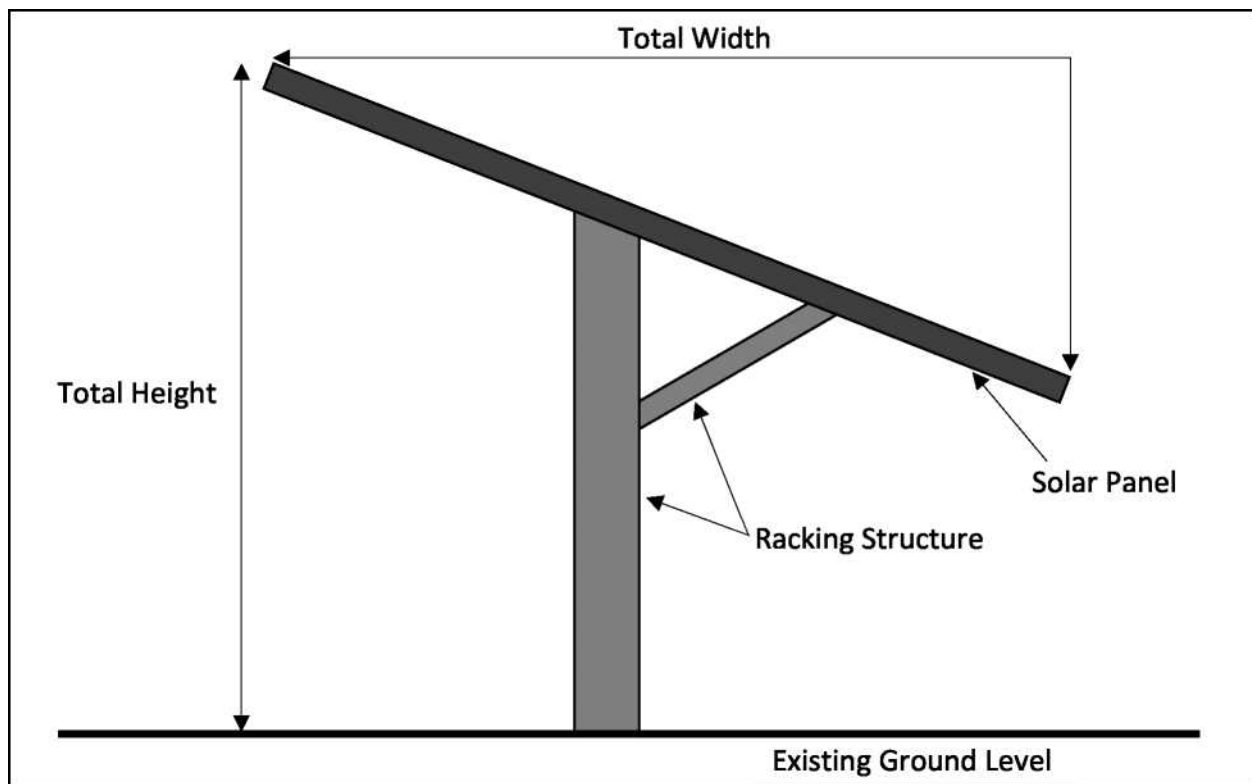


Figure 1



## **Site Regulations**

### ***Residential On-Site Solar Energy Regulation***

#### **(a) All Solar Energy Systems**

- (1) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
- (2) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- (3) All panels shall have tempered, non-reflective surfaces.
- (4) Solar energy equipment shall be repaired, replaced, or removed within six months of becoming nonfunctional.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Zoning Permit is required.
  - (7) Solar energy collectors and installation and uses shall comply with any construction code, electrical code, and other state requirements.

#### **(b) On-Site Roof-Mounted Solar Energy Collector**

- (1) Solar energy collectors shall be such a weight to be safely supported by the building. Building inspector approval is required.
- (2) Solar energy collectors shall be considered part of the building and meet all the required building height and setback requirements.
- (3) Solar energy collectors shall not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
- (4) Solar energy collectors shall not be located within 2 feet of any peak, eave, or valley to maintain adequate accessibility.

#### **(c) On-Site Ground-Mounted Solar Energy System**

- (1) Ground-mounted solar energy systems are only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit by the Board of Zoning Appeals.
- (2) A Zoning Permit is required prior to installation of all ground systems.
- (3) Ground-mounted solar energy systems shall not exceed 8 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy systems shall be measured from ground level to the highest point of the solar panel.
- (4) A detailed plan must be submitted prior to permit being issued.
- (5) The total area of ground-mounted solar energy systems shall be included in

- (6) calculations to determine lot coverage and shall not exceed the maximum lot coverage.
- (7) For the R-1, R-1A, R-2, C-1, and C-2 zoning districts, ground-mounted solar energy collectors requesting a lot coverage of 15 percent or less be considered an accessory use. A Discretionary Special Use Permit may be considered for ground-mounted solar energy collectors requesting a lot coverage over 15 percent.
- (8) Ground-mounted solar energy systems shall meet the requirements of Accessory Structures and shall be considered “Accessory Structures”.

### **Commercial Solar Energy System**

- (a) The commercial solar energy system must meet all requirements in Site Regulation Section for all (a) ground-mounted solar energy systems and (b) roof-mounted solar energy systems.
- (b) All commercial solar energy systems that are ground-mounted shall follow the following requirements:
  - (0) Ground-mounted solar energy systems shall not exceed 10 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy system shall be measured from ground level to the highest point of the solar panel.
  - (1) The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.
- (c) Required to be on lots larger than 2 acres.
- (d) Any commercial solar energy system adjoining any residential development shall be provided with a buffer of at least 60 feet along the adjacent property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area of at least 60 feet shall also be provided along all street frontage. The Zoning Inspector may approve to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers under certain conditions.
  - (1) The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
  - (2) Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
  - (3) Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels. Power and communication lines to electric substations or

- (4) interconnections with buildings shall be buried underground. Exception for underground power communication lines: Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (5) Unless otherwise determined by the Board of Zoning Appeals.
- (e) Exception for underground power communication lines:
  - (1) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
  - (2) When required by the utility company.
  - (3) Unless otherwise determined by the Board of Zoning Appeals.
- (f) The installation of the solar energy collectors shall not disturb the existing topography.
- (g) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 180 days. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a bond in favor of Washington Township equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Zoning Board of Appeal's approval.

Agricultural Use: Any Wind Energy System utilized for agricultural use will not be exempt from these regulations but will require a permit with no fees. To qualify for Agricultural use, 80% of the aggregated capacity shall be consumed on site.

### **536 TELECOMMUNICATION FACILITY**

The Telecommunications Act of 1996, which became law on February 8, 1996, preserves and affirms local zoning authority over the placement, construction and modification of cellular telephone facilities and other “personal wireless telecommunications” service facilities. Personal wireless services include cellular telephone, personal communication services, other mobile radio services, and any other Federal Communications Commission (FCC) licensed wireless common carriers. For the purpose of enforcing this Resolution, wireless telecommunications facility shall include any antenna, tower, structure, building or equipment involved in transmitting or receiving telecommunications or radio signals. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunication facilities shall be considered a conditional use, and in addition to meeting all applicable requirements of *Article 10: Procedures And Requirements For Conditional Uses And Substantially Similar Uses*, the following requirements shall apply:

- A. If the proposed wireless telecommunications facility is to include a new tower, the required site/development plan shall indicate all building and structures within 300 feet of the proposed facility.
- B. Security fencing 8 feet in height shall surround the facility to an extent determined by the Board of Zoning Appeals.
- C. Buffer plantings and related vegetation may be located around the perimeter of the security fence as deemed appropriate by the Board of Zoning Appeals.
- D. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. The applicant shall be responsible for the provision of general maintenance and upkeep to the facility's structures and property.
- F. Any new tower shall maintain a minimum yard setback of the sum of its height and 50 additional feet. The setback shall be from any property line. All other telecommunication structures shall maintain the yard setback of the respective zoning district.
- G. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a one-half (1/2) mile radius of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be submitted with the application for a conditional zoning certificate, and shall demonstrate the need for a new tower.
- H. The tower shall be painted a non-contrasting gray or similar color minimizing its' visibility, unless otherwise required by the FCC or Federal Aviation Administration (FAA).
- I. No advertising is permitted anywhere on the facility, with the exception of identification signage.

- J. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA.
- K. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- L. Collocation of antennas on an existing single tower or antennas attached to existing structures/buildings are permitted uses and shall not require a conditional zoning certificate, but shall require a zoning certificate.

**538     STORM WATER MANAGEMENT**

It shall be the responsibility of the Board of Township Trustees, Board of Zoning Appeals, Zoning Commission, or Zoning Inspector to determine if a proposed residential, industrial or commercial use is located in an area having poor drainage characteristics and/or will require adequate storm water management facilities due to the nature of the proposed use. Adequate plans and specifications shall be required for review and approval prior to the issuance of a zoning certificate or conditional zoning certificate. See Section 402 on Drainage for additional information. Storm water management facilities may include the following:

- A.     Surface drainage systems;
- B.     Storm sewer and tile systems;
- C.     Storm water retention structures; and
- D.     Open ditches and diversion channels.

No existing watercourse shall be altered in such a way as to change the amount or direction of flow, including cut and fill and placement of buildings or structures, without approval from the Henry County Engineer and Henry County Planning Commission.

**540 PLANNED UNIT DEVELOPMENTS**

- A. Purpose: It shall be the policy of Washington Township to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:
1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
  2. A more useful pattern of open space and recreation areas, and if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
  3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas trees and other vegetation, and prevents the disruption of natural drainage patterns.
  4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
  5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

- B. General Provisions Governing Planned Unit Developments: Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this Resolution, the provisions of this article shall be governed by the respective provisions found elsewhere in this Resolution.
1. Project Ownership: The project land may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations.

2. Common Open Space: A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Subsection 3. below and the requirement may be reduced for shopping centers or industrial parks.
3. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development project shall either be held in corporate ownership by owners of the project area for the use of each owner or lessee who buys or leases property within the development or be dedicated to the Township and retained as common open space for parks, recreation and related uses. All land dedicated to the Township must meet the Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open spaces dedication to the Township unless such land or right-of-ways is usable as a trail or other similar purpose and approved by the Zoning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

4. Utility Requirements: Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Zoning Commission finds that such an exemption will not violate the intent or character of the proposed planned unit development.
5. Parking: Off-street parking, loading, and service areas shall be provided in accordance with *Article 6: Off-Street Parking And Loading Facilities* of this Resolution. However, off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

#### C. Uses Permitted and Project Area

1. Single Family Residential Planned Unit Development: Compatible residential, commercial, light manufacturing, public, and quasi-public uses may be combined in a single family residential subdivision provided that the proposed location of commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. The amount of land devoted to commercial and/or industrial use in such subdivision shall be determined by the Zoning Commission and approved by the Board of Township Trustees. The Zoning Commission may limit the development of not more than 8 percent of the tract to commercial use and not more than 12 percent of the tract to industrial use.

Lot area and other yard requirements of the respective agricultural and residential districts established in *Section 302* shall apply except as modified below:

- a. Lot area per dwelling unit may be reduced by not more than 40 percent of the minimum lot area required in *Section 402: Official Schedule Of District Regulations*. A residential planned unit development need not conform to any respective density requirements. A diversification of lot sizes is encouraged.
- b. Lot widths may be varied to allow for a variety of structure designs. It is also recommended that setbacks be varied.

The gross area of a tract of land to be developed in a residential planned unit development shall be a minimum of 20 acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the purpose of this Article.

2. **Multi-Family Residential Planned Unit Development:** Compatible residential, commercial, light manufacturing, public, and quasi-public uses may be combined in a multi-family residential subdivision provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety and general welfare. Lot area and other yard requirements may be varied to allow a variety of structure design. However, gross density of the development shall not exceed 10 units per acre.

The gross area of a tract of land to be developed in multi-family residential developments shall be a minimum of 10 acres.

3. **Commercial Planned Unit Development:** Any uses permitted or conditionally permitted in the respective commercial districts established in *Section 302* may be allowed that is compatible with adjacent property development or zoning.

The gross area of a tract of land to be developed as a commercial planned unit development shall be a minimum of 5 acres.

4. **Industrial Planned Unit Development:** Any uses permitted or conditionally permitted in the respective industrial districts established in *Section 302* may be allowed, except junk yards, that is compatible with adjacent property development or zoning and will not adversely affect public health, safety, and/or the general welfare.

The gross area of a tract of land to be developed as an industrial planned unit development shall be a minimum of 10 acres.



- D. Arrangement of Commercial Uses: When planned unit developments include commercial uses, commercial buildings, and establishments they shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

- E. Arrangement of Industrial Uses: Industrial uses and parcels shall be developed in park like surroundings, utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

- F. Application Process: *Subsections 1. – 10.* below shall apply for all proposed planned unit developments.

1. Pre-Application Meeting: The applicant/land owner/developer shall meet with the Zoning Inspector and Zoning Commission prior to beginning the application process. The purpose of the meeting is to discuss early and informally the purpose, effect and objectives of planned unit developments, the criteria and standards contained herein, and to familiarize the applicant with any immediate concerns or issues.

2. Coordination with County Planning Commission: The Zoning Inspector and/or Zoning Commission shall coordinate with the Henry County Planning Commission, prior to or after the pre-application meeting, in order to determine any applicable County rules and regulations (e.g., subdivision plats, dedicated public/private roads, storm water management, floodplains and comprehensive development plans), and to recommend an appropriate course of action to the applicant.
3. Zoning Map Amendment: The applicant shall apply for a zoning map amendment as described in *Article 11: Procedures And Requirements For Amendments*. The tract of land proposed for development must be rezoned with the respective planned unit development zoning districts established in *Section 302*, and the application process cannot proceed further until this is properly achieved.
4. Preliminary Development Plan Application: An application for preliminary development plan shall be filed with the Chairman of the Zoning Commission or Zoning Inspector by at least one (1) owner or lessee of property or his/her agent for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:
  - a. Name, address, and phone number of applicant.
  - b. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
  - c. Legal description of property.
  - d. Description of existing use and zoning district.
  - e. A vicinity map highlighting the relationship of the proposed development to its surroundings within one-half (1/2) mile. This map shall display all existing property lines, streets/thoroughfares, zoning and such other items as the Zoning Commission may require.

- f. A preliminary development plan drawn at a scale of one (1) inch equals 100 feet, unless otherwise required by the Zoning Commission, and bearing the seal, signature and date of a certified registered professional engineer or surveyor. The plan shall show topography at 2 foot intervals, location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; proposed or existing preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other items as the Zoning Commission deems necessary.
  - g. A written statement provided by the applicant stating the reasons why, in his/her opinion, the planned unit development would be in the public interest and would be consistent with Washington Township's statement of objectives for planned unit developments in *Subsection F. 1.*
- 5. Public Hearing by Zoning Commission: Within 30 days after receipt of the preliminary development plan, the Zoning Commission shall hold a public hearing.
- 6. Notice of Public Hearing in Newspaper: Before holding the public hearing provided in *Subsection 5.*, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.
- 7. Notice to Property Owners by Zoning Commission: Before holding the public hearing required in *Subsection 5.*, written notice of such hearing shall be mailed by the Zoning Commission by first class mail, at least 10 days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development.
- 8. Approval in Principle by Zoning Commission: Within 30 days after the public hearing required in *Subsection 5.*, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Resolution; and the Zoning Commission may seek assistance in making its recommendation from the County/Regional Planning Commission or any other appropriate source. The Zoning Commission shall either approve, approve with

supplementary conditions or disapprove the final development plan application as presented.

9. Final Development Plan Application: After approval in principle of the preliminary development plan, the final development plan shall be in general conformance with the preliminary development plan approved in principle. An application for final development plan shall be filed with the Chairman of the Zoning Commission or Zoning Inspector by at least one (1) owner or lessee of property or his/her agent for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:
  - a. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be evoked if construction on the project has not begun within one (1) year or substantially completed within 2 years from the date of issuance of the approval.
  - b. A final development plan drawn at a scale of one (1) inch equals 100 feet, unless otherwise required by the Zoning Commission, and bearing the seal, signature and date of a certified registered professional engineer or surveyor.
  - c. The final development plan must be endorsed by at least 2 of the following professionals: urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.
  - d. All information required on the preliminary development plan, or as otherwise required by the Zoning Commission.
  - e. Building plans, including floor plans, exterior elevations and landscaping plans, if applicable.
  - f. 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.
10. Final Approval by Zoning Commission: Within 30 days after receipt of the final development plan, the Zoning Commission shall either approve or disapprove the final development plan as presented. Reasons for disapproval will be stated on the application, and in such case, the

applicant may resubmit the planned unit development proposal following the applicable sections of the application process listed in *Subsection F*.

**542 PERMANENTLY SITED MANUFACTURED HOMES**

Permanently sited manufactured homes shall be a permitted use in any zoning district that permits single-family dwellings/homes. However, permanently sited manufactured homes must meet all of the following requirements:

- A. The home is manufactured pursuant to the HUD Code (Manufactured Home Construction and Safety Standards Act, 42 U.S.C., Section 5401), after January 1, 1995.
- B. The home is attached to a permanent frost-free foundation (i.e., slab, crawl space foundation or full foundation).
- C. The home is connected to appropriate facilities.
- D. The home has a length of at least 22 feet and a width of at least 22 feet.
- E. The home has at least 900 square feet of minimum floor area.
- F. The home shall have a conventional residential siding (i.e., wood, vinyl, hardboard, and aluminum), a 6 inch minimum eave overhang, and a roof with a minimum 3 to 12 pitch. The roof shall be finished with a type of shingle used in standard residential construction.
- G. The tongue, axles, transporting lights and all other applicable towing apparatus are removed after placement on the foundation and before occupancy.
- H. The home is intended to be assessed and taxed as permanent real estate, not personal property. The title for such home shall be surrendered to the County Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the County Auditor to tax the home as real property from that day forward.
- I. The home shall meet all other applicable zoning requirements of the respective zoning district in which it is sited.

**544 WATER AND SANITARY SEWER SYSTEM IMPROVEMENTS FOR INCREASED DEVELOPMENT DENSITIES**

In the interest of preserving and protecting the existing groundwater supply, and to minimize the infiltration of sewage effluent into said supply and natural drainage areas, the provision of certain water and sanitary sewer system improvements shall be necessary and required of the landowner and/or developer subject to the following conditions:

- A. Shall only apply in the respective zoning districts where specified in *Section 402: Official Schedule Of District Regulations*.
- B. Shall include both public and/or private water and sanitary sewer systems as approved by the Ohio Environmental Protection Agency and the Henry County Water And Sewer District.
- C. Shall only apply after a density of 20 single family dwelling units per quarter section (160 acres) of land is reached.
- D. Shall only apply to proposed or future dwelling units once the density limit is reached. Single family dwellings existing at the period in time when the density limit is reached shall be exempt from these requirements. Nothing shall prohibit, however, the exempted dwellings from participating in the provision and/or utilization of water and sewer system improvements.
- E. May not be required if landowner and/or developer can provide the Board of Zoning Appeals acceptable evidence that a higher density will not cause an adverse effect on the existing groundwater supply and will not increase the infiltration of sewage effluent into said supply and natural drainage areas. The evidence shall include hydrological analysis, soils study or similar scientific methods.

## ARTICLE 6

### OFF-STREET PARKING AND LOADING FACILITIES

#### 600 GENERAL PARKING REQUIREMENTS

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of *Section 600 to 616* of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of 50 percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

#### 602 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking Space Dimensions:** Each off-street parking space shall be a minimum of 10 ft. x 20 ft and have an area of not less than 200 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Off-street parking facilities for single and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-Street parking shall be within 300 feet of the building intended to be served. An industry which employs 100 or more employees may supply off-street parking at a distance greater than 300 feet from such industry upon approval of the Zoning Commission.

Parking lots or areas adjacent to public streets shall have driveways or openings not less than 25 feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least 5 feet from any sidewalk line and said lots shall be so designed that all vehicles leaving the facility will be traveling forward at a 90 degree angle to approaching traffic.

- C. Setbacks: No off-street parking facilities shall be located in a front or side yard as required by this Resolution, except:
1. In Commercial and Industrial Districts off-street parking facilities may be located in front and side yards providing that points of access and related screening/landscaping have been approved by the Board of Zoning Appeals (Variance required). Where off-street parking facilities abut a Residential District, the provisions of *Section 512 H.* shall apply.
  2. In no district, however, shall the parking area be located closer than 3 feet to any street or alley.
- D. Paving: All required parking spaces, except those provided in conjunction with single and two-family dwellings, or uses within any Industrial District if said parking area is at least 700 feet from any Residential District, together with driveways, and other circulation areas, shall be surfaced with a bituminous or other dust free surface and maintained in a condition conducive to public use. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- E. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system (*See Section 538: Storm Water Management*).
- F. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line. All parking lots or areas shall have a protective wall or bumper block at least 5 feet from any sidewalk line.
- G. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- H. Marking: All parking areas for 20 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
- I. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.



- J. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- K. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.
- L. Commercial and Industrial Districts:
  - 1. Any vehicle parking space in a Commercial or Industrial District shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this Resolution.
  - 2. No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this section or a booth for the parking lot attendant or guard.
  - 3. The vehicle parking space on any lot, as set forth and designated in this Resolution may be deemed to be the required open space on such lot.

**604 DETERMINATION OF REQUIRED SPACES**

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated on each 18 lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
- C. Fractional numbers shall be increased to the next whole number.
- D. Entrances, exits, or driveways or maneuvering areas shall not be computed as any part of a required parking lot or area.
- E. The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for “substantially similar uses” as required by *Section 1020* of this Resolution.

**606 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS**

For the purposes of this Resolution the following parking space requirements shall apply:

- A. Dwelling Units
  - 1. Single family and two-family dwelling units - 2 parking spaces for each dwelling unit.
  - 2. Multi-family dwelling units - 2 parking spaces for each unit.
- B. Rooming houses, lodging houses, boarding houses - one (1) parking space for each guest room plus 2 spaces for the permanent occupant.
- C. Hotels, motels, tourist homes, or cabins - one (1) parking space for each one (1) sleeping room.
- D. Manufactured/mobile home court or park - 2 parking spaces adjacent to each mobile home site.
- E. Business and professional offices and banks - one (1) parking space for each 150 square feet of floor area.
- F. Medical and dental offices and clinics- 5 parking spaces for each physician or dentist plus one (1) for each employee.
- G. Funeral homes and mortuaries – 25 parking spaces minimum per lounge.
- H. Retail stores, supermarkets, etc. - one (1) parking space for each 100 square feet of floor area.
- I. Furniture and appliance stores, hardware stores, builders supply stores, showroom of plumbers, decorator, electrician, or similar trades, shoe repair, and other similar uses - one (1) parking space for each 800 square feet of floor area.
- J. Motor vehicles sales and service - one (1) parking space for each 400 square feet of floor area of sales room and one (1) additional parking space for each auto service stall in the service room.
- K. Auto service station - 8 parking spaces minimum.
- L. Beauty parlors and barber shops - 2 parking spaces for each beauty or barber shop chair.

- M. Laundromats - one (1) parking space for each 2 washing machines.
- N. Restaurants - one (1) parking space per 3 seats of seating capacity.
- O. Establishments for the sale and consumption on the premises of foods, alcoholic beverages, or refreshments - one (1) parking space per 2 seating capacity.
- P. Theaters - one (1) parking space for each 4 seats.
- Q. Dance halls, skating rinks, private clubs, and other assembly halls without fixed seats - one (1) parking space per 100 square feet of floor area.
- R. Bowling alleys - 4 parking spaces for each alley plus one (1) for each 2 employees.
- S. Wholesale establishments - one (1) parking space for each employee.
- T. Industrial establishments - one (1) parking space each total number of employees on any two consecutive shifts having the largest number of employees.
- U. Auditorium, stadium, and similar uses - one (1) parking space for each 4 seats based on maximum seating capacity.
- V. Churches - one (1) parking space for each 4 seats in principal auditorium based on maximum seating capacity.
- W. Private clubs, lodges, and fraternity houses - one (1) parking space per 200 square feet of floor area or one (1) parking space per 5 members, whichever is greater.
- X. Public golf courses, swimming pools, and similar uses - one (1) parking space per 200 square feet of floor area within enclosed building, plus one (1) space for every 3 persons that the facility is designed to accommodate at maximum capacity.
- Y. Libraries and museums - one (1) parking space for each 500 square feet of floor area.
- Z. Hospitals - one (1) parking space for each 2 beds.
- AA. Sanitariums, children's homes, convalescent homes - one (1) parking space for each 6 beds.
- BB. Elementary and junior high schools - one (1) parking space for each teacher, employee, or administrator.

- CC. Senior high schools - one (1) parking space for each teacher, employee, or administrator, plus one (1) for each 10 students.
- DD. Colleges and universities, or technical training centers - one (1) parking space for each 1.5 students plus one (1) for each teacher, employee, or administrator present during daytime operation.

## **608 OFF-STREET LOADING DESIGN STANDARDS**

All off-street loading spaces shall be in accordance with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Setbacks: Notwithstanding other provisions of this Resolution, off-street loading spaces may be located in the required rear or side yard of any Commercial or Industrial District provided that not more than 90% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than 5 feet from any street or alley.
- C. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of *Section 512 H.* of this Resolution.
- D. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- E. Paving: All required off-street loading spaces, except for uses within any Industrial District if said loading spaces are at least 200 feet from any Residential District, together with driveways, aisles, and other circulation areas, shall be surfaced with a bituminous or other dust free surface and maintained in a condition conducive to public use. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system (*See Section 538: Storm Water Management*).
- G. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## **610 MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS**

On the same premises with every building structure, or part thereof erected and having a gross floor area of 3,000 square feet or more, which is to be occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or

distribution of vehicles or materials or merchandise, there shall be provided and maintained on the premises at least one (1) off-street loading space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. One (1) additional off-street loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet shall be provided.

**612 JOINT OR COLLECTIVE PARKING FACILITIES**

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building(s) or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by 2 or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50 percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to 100 percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning certificate.
- D. Collective off-street parking facilities may be provided, however, such facilities shall contain as many spaces as would otherwise be individually required.

**614 HANDICAPPED PARKING**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

<u>Total Spaces Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

**616 ELDERLY HOUSING PARKING REQUIREMENTS**

Each parking space provided for an elderly housing facility shall as a minimum measure 10 feet in width and 20 feet in length, with aisles measuring 21 feet in width. There shall be provided one (1) such parking space per dwelling unit plus one (1) per regular shift employee, except that the Board of Zoning Appeals (Variance required) may approve a parking plan for an elderly housing facility which provides 3 such parking spaces for every 4 dwelling units plus one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open space requirement and which is accessible to egress/entrance for parking purposes.

## ARTICLE 7

### SIGNS

#### 700 GENERAL

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings, except as expressly noted differently, references herein to area limitations refer to the total areas of all faces of signage.

#### 702 LIMITATION

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or commercial use or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of *Ohio Revised Code Chapter 5516* and the regulations adopted pursuant thereto.

#### 704 ZONING CERTIFICATE REQUIRED

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a zoning certificate shall be required for each sign unless specifically exempted in *Section 706*.
- B. A sign initially approved for which a zoning certificate has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended zoning certificate is obtained consistent with these regulations.
- C. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a zoning certificate.

#### 706 SIGNS EXEMPTED FROM ZONING CERTIFICATE

- A. One non-illuminated sign advertising the sale, rental or lease of the property or building, not exceeding 8 square feet in area on any lot.



- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One non-illuminated accessory sign with a surface area not exceeding 4 square feet which denotes the name of occupant on each lot on which a dwelling unit is located.
- D. Temporary non-illuminated accessory signs, with a surface area not exceeding 4 square feet, which denote garage or yard sales, and other related activities, and shall meet the applicable requirements of *Section 714*.

**708 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS**

The regulations contained in this section shall apply to all signs and all use districts.

- A. No sign or billboard shall be erected closer than 50 feet to any intersection, with the exception of those signs incidental to the legal process and necessary to the public welfare or those business signs attached to a building or structure.
- B. All signs and billboard erected within 200 feet of any intersection must be erected so as not to obstruct traffic sight lines at street intersections or railroad grade crossings.
- C. No sign or billboard shall be located in or projecting over a public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- D. Any sign or billboard illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) shall not duplicate in the electric light of such sign any colors appearing in traffic control signals.
- E. Signs or billboards visible from a street or highway shall not contain words as “stop”, “go”, “slow”, or symbols which may resemble highway traffic or directional signals.
- F. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- G. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.

- H. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of all applicable codes.
- I. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than 2 feet, including those projecting from the face of any theater, hotel, or motel marquee.
- J. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- K. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in *Section 714* herein.
- L. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- M. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.
- N. No sign of any classification 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.
- O. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign.
- P. 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 in a safe and secure condition or remove the sign.
- Q. All signs shall be secured in such a manner as to prevent significant movement due to wind.
- R. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- S. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.

- T. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- U. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing.
- V. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires;
- W. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

**710 SIGNS IN ANY DISTRICT REQUIRING A ZONING CERTIFICATE**

One (1) on-premises sign or bulletin board, with a surface area not exceeding 12 square feet, identifying the following uses:

- A. Cemetery;
- B. Church and other places of religious worship;
- C. Private or governmentally owned and/or operated park, playground, golf course, and riding academy;
- D. Institutions for medical care, hospital, clinic, convalescent homes, sanitarium, home for the aged, nursing home, and philanthropic institution and child care center;
- E. Governmentally owned and/or operated building or facility;
- F. One non-illuminated temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located.

**712 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS, OR ON LANDS USED FOR AGRICULTURAL PURPOSES, REQUIRING A ZONING CERTIFICATE**

- A. In a Commercial or Industrial District, or on lands used for agricultural purposes, each business shall be permitted one (1) free standing and/or wall on-premises sign. Projection of wall signs shall not exceed 2 feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one half (1 ½ ) square feet of sign area for each lineal foot of building width, or part of a building,

occupied by such enterprise but shall not exceed a maximum area of 100 square feet.

- B. In a Commercial or Industrial District, or on lands used for agricultural purposes, 2 off-premises signs with a total area not exceeding 600 square feet may be permitted at a single location. No single off-premises sign shall exceed 1200 square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than 200 feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than 20 feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

**714 TEMPORARY SIGNS**

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events may be erected for a period of 15 days. Temporary signs not exceeding 50 square feet in area, announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period. Temporary signs shall conform to the general requirements listed in *Section 708*, the setback requirements in *Sections 722-724* and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in *Section 700*.

**716 FREE STANDING SIGNS**

Free standing on-premises signs not over 30 feet in height and having a maximum total sign area of 100 sq. ft. per display area may be erected, and also may serve a group of business establishments. There shall be only one free standing sign for each building, regardless of the number of businesses conducted in said building.

**718 WALL SIGNS PERTAINING TO NONCONFORMING USES**

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

**720 POLITICAL SIGNS**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 60 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

**722 SIGN SETBACK REQUIREMENTS**

Except as modified in *Section 724*, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least 10 feet and not closer than 30 feet to any adjoining lot line. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**724 INCREASED SETBACK**

For every square foot by which any on-premises sign exceeds 50 square feet, the setback shall be increased by one-half ( $\frac{1}{2}$ ) foot but need not exceed 100 feet.

**726 SPECIAL YARD PROVISIONS**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any Residential District, on-premises signs shall not be erected or placed within 12 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 12 feet, the latter shall apply.

**728 MAINTENANCE**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector may remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector may remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

**730 NONCONFORMING SIGNS AND STRUCTURES**

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article (*See Article 8: Nonconformities*).

**732 LOSS OF LEGAL NONCONFORMING STATUS**

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance within the time period established by the zoning inspector or be removed (*See Article 8: Nonconformities*).

**734**    **VIOLATIONS**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under *Section 1326* of this Resolution. Political signs posted in violation of *Section 720* of this Resolution are subject to removal by the Zoning Inspector 5 days after written notice of violation of *Section 720* has been given.

## ARTICLE 8

### NONCONFORMITIES

#### 800 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning certificate became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structures) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

#### 802 CERTIFICATES FOR NONCONFORMING USES

The Zoning Inspector may upon his/her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

##### A. INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

**804     AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently (*See Section 1310: Expiration Of Zoning Certificate*).

**806     U.S. ROUTE 24 ISSUES**

Any and all property owners, whose properties were made nonconforming as a result of the U.S. Route 24 realignment, shall therefore be automatically conforming regardless of lack of sufficient frontage or acreage or setback. A list as provided by the Henry County Planning Commission shall be a part of these zoning regulations.

**808     SUBSTITUTION OF NONCONFORMING USES**

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

**810     SINGLE NONCONFORMING LOTS OF RECORD**

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.



**812 NONCONFORMING LOTS OF RECORD IN COMBINATION**

If 2 or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

**814 NONCONFORMING USES OF LAND**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than 2 years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.
- E. Any land on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- F. Removal or destruction of a structure used in a nonconforming use shall eliminate the nonconforming use of the land and the nonconforming use may not thereafter be resumed.
- G. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- H. Any nonconforming use may be extended throughout any parts if a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Resolution, but no such use shall be extended to occupy any land outside such building.
- I. If no structural alterations are made, any nonconforming use of the land or structure thereon may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.

**816 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than 2 years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall

not thereafter be used except in conformity with the regulations of the district in which it is located.

- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## **818 TERMINATION OF NONCONFORMING USES**

- A. Termination of Use Through Discontinuance: When any nonconforming use is discontinued or abandoned for more than 2 years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
- B. Termination of Use by Damage or Destruction: In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50 percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of 50 percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:
  - 1. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
  - 2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
- C. In the event that any nonconforming site-built or modular built home is destroyed or damaged more than 50% of the cost of replacement, the Zoning Inspector shall grant a zoning permit under the following conditions:
  - 1. The new or rebuilt structure (home) shall use at least the same square footage or add square footage in order to meet minimum Township zoning requirements.
  - 2. The home must have a permanent and frost-free foundation.
  - 3. The new structure (home) must meet all current zoning regulations except for setback and lot size, but shall not cause a new nonconformity or increase the degree of nonconformance existing prior to such damage or destruction.

4. Any structural enlargement more than 10% shall require a variance if either setbacks or lot size does not meet current zoning regulations for single family dwellings.

## **820 REPAIRS AND MAINTENANCE**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

## ARTICLE 9

### PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

#### 900 GENERAL

Appeals and variances shall conform to the procedures and requirements of *Sections 902 to 924* inclusive, of this Resolution. As specified in *Section 1218*, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 902 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority 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 applicant(s) shall post security in accordance with the most current fee schedule set by the Washington Township Trustees, for the cost of all action required for the public hearing in *Section 912*, and in the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee may be charged to the applicant in order to cover all expenses of such expert testimony. Incurred expenses exceeding the \$500.00 security shall be made payable within 30 days upon action by the Board of Zoning Appeals as stated in *Section 918*. Any unused portion of the security will be refundable within a reasonable time.

#### 904 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

#### 906 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

**908     APPLICATION AND STANDARDS FOR VARIANCES**

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A.     Name, address, and phone number of applicant(s).
- B.     Legal description of property.
- C.     Description or nature of variance requested.
- D.     The applicant(s) shall post security in the amount of \$500.00 to the Fiscal Officer for the cost of all action required for the public hearing in *Section 912*, and in the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee may be charged to the applicant in order to cover all expenses of such expert testimony. Incurred expenses over the \$500.00 security shall be made payable within 30 days upon action by the Board of Zoning Appeals as stated in *Section 918*. Any unused portion of the security will be refundable within a reasonable time.
- E.     Narrative statements establishing and substantiating that the variance conforms to the following standards:
  - 1.     The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - 2.     The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district unless the Board of Zoning Appeals determines the property owner cannot make any economically viable use of the property under current zoning restrictions. The current zoning restrictions must create an unnecessary hardship. The granting of a variance shall be done on a case-by-case basis. The granting of one variance within a particular district shall not automatically entitle any other person to the granting of a similar variance.
  - 3.     There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in

value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**910 ADDITIONAL CONDITIONS AND SAFEGUARDS**

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

**912 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**914 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before conducting the public hearing required in *Section 912*, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**916 NOTICE TO PARTIES OF INTEREST**

Before conducting the public hearing required in *Section 912*, written notice of such hearing shall be sent by certified mail, by the Zoning Inspector, at least 10 days before the date of the hearing to all parties of interest, which must include all abutting property owners and owners of property within 500 feet of the property in question. The notice shall contain the same information as required in *Section 914* for notices published in newspapers.

**918 ACTION BY BOARD OF ZONING APPEALS**

Within 30 days after the public hearing required in *Section 912*, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in *Section 910*, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance or appeal that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in *Section 1222*.

**920 TERM OF VARIANCE**

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the zoning certificate is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

**922 AUTHORIZED VARIANCES**

Variations from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in *Section 908*, and *Section 910* if applicable, have been met by the applicant. Variations may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80 percent of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.



- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30 percent of the required facilities.
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than 40 percent.
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25 percent.
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25 percent.

## ARTICLE 10

### PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES AND SUBSTANTIALLY SIMILAR USES

#### 1000 PURPOSE

Until recent years the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics or an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location or such types of land use activities are many and varied, and are dependent upon the functional characteristics of the use, competitive situations, and the availability of land. Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each conditionally permitted use as it relates to location, size, method of operation, and intensity of land use; which in turn, affects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services it requires. Land uses and structures possessing these particularly unique characteristics are designated as conditionally permitted uses and are permitted through the issuance of a conditional zoning certificate with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

#### 1002 CONTENTS OF CONDITIONAL ZONING CERTIFICATE APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional zoning certificate by filing it with the Zoning Inspector, who shall within 7 days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- A. Name, address and phone number of the applicant(s).
- B. Legal description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all

abutting streets, the location of all existing and proposed structures, the types of buildings and the uses proposed, and such other information as the Board of Zoning Appeals may require. The approved plan by Board of Zoning Appeals shall become part of conditional use permit.

- G. The fee payment for conditional zoning certificate shall be as established. The Board of Zoning Appeals may refer the application to qualified consultants when it deems expert advice necessary and the applicant shall pay for the cost of said expert advice.
- H. A narrative addressing each of the applicable criteria contained in *Section 1016*.

#### **1004 PUBLIC HEARING**

The Board of Zoning Appeals shall hold a public hearing within 30 days after it receives an application for a conditional zoning certificate submitted by an applicant through the Zoning Inspector.

#### **1006 NOTICE OF PUBLIC HEARING**

Before conducting the public hearing required in *Section 1004*, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

#### **1008 NOTICE TO PARTIES OF INTEREST**

Prior to conducting the public hearing required in *Section 1004*, written notice of such hearing shall be sent by certified mail, by the Zoning Inspector or Secretary of the Board of Zoning Appeals, at least 10 days before the date of the hearing to all parties of interest, which must include all abutting property owners and owners of property within 500 feet of the property in question. The notice shall contain the same information as required in *Section 1006* for notices published in newspapers.

#### **1010 ACTION BY THE BOARD OF ZONING APPEALS**

Within 30 days after the date of the public hearing required in *Section 1004*, the Board of Zoning Appeals shall take one of the following actions:

- A. Approve issuance of the conditional zoning certificate by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in *Section 1012*. Upon making an affirmative finding, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional zoning

certificate for such use which shall list all conditions and safeguards specified by the Board of Zoning Appeals for approval.

- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief from the Board of Zoning Appeals decisions in the manner specified in *Section 1222*.

#### **1012 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting approval for any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

#### **1014 EXPIRATION OF CONDITIONAL ZONING CERTIFICATE**

A conditional zoning certificate shall be deemed to authorize only one (1) particular conditional use, and said certificate shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the certificate was issued, or if for any reason such use shall cease for more than two (2) years.

#### **1016 GENERAL STANDARDS FOR ALL CONDITIONAL USES**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following applicable standards and shall find adequate evidence that such use of the proposed location:

- A. Shall be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan.
- B. Shall be 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 a use will not change the essential character of the same area.
- C. Shall not be hazardous or disturbing to existing or future neighboring uses.
- D. Shall not be detrimental to property in the immediate vicinity or to the community as a whole.
- E. Shall be served adequately by essential public facilities and services.

- F. Shall be in compliance with the subdivision regulations, the Board of Health Standards, and the building code if there are such requirements.
- G. Shall have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- H. Loud speakers which cause hazard or annoyance shall not be permitted.
- I. All points of entrance or exits shall be located no closer than 100 feet from the intersection of two streets.
- J. All structures, except minor structures such as utility poles and meters, and activity areas shall be located at least 50 feet from all property lines.
- K. There shall be no more than one (1) directional identifying sign oriented to each abutting road identifying the activity.
- L. Lighting shall not constitute a nuisance and shall not in any way impair safe movement of traffic on any street or highway.
- M. The use shall not require costly or uneconomic extensions of utility services at the expense to the community.
- N. ***When possible***, site locations that offer natural or manmade buffers that lessen the effect of the intrusion of the use should be selected.
- O. A fence 6 feet minimum in height shall enclose any operation where there is a safety hazard.
- P. Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out.
- Q. All facilities and equipment such as derricks, pumps, tanks, etc., shall be enclosed or fenced off where their operation creates a potential safety hazard. All areas shall be rehabilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
- R. Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage to other properties shall be minimized.
- S. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to insure that this provision will be met.

T. Home occupation shall be subject to the following conditions:

1. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
2. The use shall be conducted by the occupant(s) with no employees.
3. The use shall be carried out entirely within the dwelling and/or accessory building.
4. The home occupation shall not occupy more than 20 percent of the floor area of the dwelling unit.
5. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
6. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
7. For purposes of identification of a home occupation, there shall be no more than one (1) non-illuminated sign not to exceed 2 square feet in area and attached flat against a building wall.
8. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

## **1018 SPECIFIC REQUIREMENTS FOR CONDITIONAL USES**

### **A. SERVICE STATIONS and VEHICLE REPAIR BUSINESSES**

The use shall be permitted under the following conditions:

1. The use shall be for the purpose of servicing motor vehicles under one and one-half (1 ½) tons rated capacity including the dispensing of fuel and lubrications, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle.
2. All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
3. No more than 2 driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any

minor street, each of which shall not exceed 30 feet in width at the property line.

4. If the property fronts on 2 or more streets, the driveways shall be located as far from the street intersection as practicable.
5. At least a 6 inch high pedestrian safety curb shall be installed along all street lines except at driveway approaches.

## **B. SANITARY LANDFILLS**

The use shall be permitted under the following conditions:

1. All sanitary landfill sites shall comply with all applicable State and local Health Department rules and regulations.

## **C. MANUFACTURED/MOBILE HOME PARKS/TRAILER COURTS**

1. All manufactured/mobile home parks/trailer courts shall comply with all applicable State and local Health Department rules and regulations.
2. In addition to the requirements of this section, the application shall include any other data the Board of Zoning Appeals may require.
3. The minimum size of the site for a manufactured/mobile home park shall be 20 acres. Each boundary of the park shall be at least 200 feet from any permanent residential building outside the park, unless separated there from by a natural or artificial barrier.
4. Manufactured/mobile home spaces shall be a minimum of 6,000 square feet for each space and at least 65 feet wide and clearly defined.
5. There shall be at least a 40 foot clearance between manufactured/mobile homes. No home shall be closer than 20 feet from any building within the park or 10 feet from any property line bounding the park.
6. All manufactured/mobile homes shall have a minimum floor area of 900 square feet and a minimum width of 14 feet.
7. All manufactured/mobile homes must be anchored to sufficiently protect it from water, wind, or their damage, according to manufacturer's standards.
8. No porch, canopy, patio roof, structure for storage or other addition may be attached to a trailer unless it is of a material or type of construction specifically designed and manufactured for such use.

9. All manufactured/mobile home spaces shall abut upon a driveway of not less than 20 feet in pavement width, which shall have an unobstructed access to a public street. All paving shall meet the requirements of County street standards for residential streets and be lighted at night with electric lamps of not less than 2000 lumens each spaced at intervals of not more than 120 feet. Lighting shall be shielded so as to direct light onto the roads.
10. The park shall be graded to be well drained.
11. Each park may provide service buildings to house laundry, storage facilities and offices. Walkways not less than 3 feet wide and paved shall be provided from the trailer spaces to the service buildings. A central vehicle parking area shall be provided to supply off-street parking at a ratio of one (1) space for each 3 trailer spaces.
12. An electric outlet supplying at least 100 amps shall be provided for each trailer space.
13. Each manufactured/mobile home space shall be provided a water tap to supply pure and adequate water for drinking and domestic purposes.
14. Each manufactured/mobile home space shall be provided a trapped sewer at least 4 inches in diameter which connects with a centralized disposal system.
15. Adequate garbage and rubbish cans shall be provided no further than 300 feet from any manufactured/mobile home space. All areas shall be rehabilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
16. An open space recreation area shall be provided within the boundaries of the manufactured/mobile home park. The size of the area shall be one (1) acre for the first 10 manufactured/mobile home spaces plus 1/20 of an acre for each additional space in the park.
17. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department representative.
18. The permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured/mobile home park, its facilities and equipment in clean, orderly and sanitary condition and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.



19. Any new manufactured/mobile homes placed upon premises shall be less than (2) years in age.

#### **D. LICENSED CAMPGROUND FACILITY**

All applicable campground facilities shall comply with respective State and local Health Department rules and regulations, in addition to the following:

1. The minimum size of the area shall be 40 acres.
2. The maximum period of occupancy for any trailer or other camping facility shall not exceed 90 days in any calendar year. There shall not be any permanent occupancy on the area other than for the owner, operator, and caretakers in the area.
3. No campsites shall be closer than 200 feet to any adjacent property.
4. A store will be permitted to sell supplies to the camp area occupants. The store shall not be closer than 20 feet to any adjacent property or street right-of-way.
5. The number of campsites available shall not exceed 3 campsites or camping trailers for each acre of ground contained in the area.

#### **E. CEMETERY**

1. The site shall have direct access to a public thoroughfare which the Zoning Commission determines is adequate to serve the size of the facility proposed.
2. Any new cemetery shall be located on a site containing not less than 5 Acres.
3. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
4. All graves or burial lots shall be set back not less than 50 feet from any property line.
5. All existing cemeteries shall be exempt from nonconforming status. Any proposed enlargement shall be increased to a minimum one (1) acre.

**1020 PROCEDURES AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR**

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in *Article 9* of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

**1022 REMEDY BY APPLICATION FOR AMENDMENT**

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in *Sections 1104 and 1106*.

**1024 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES**

The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

**1026 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR**

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

**1028 RECORD OF SUBSTANTIALLY SIMILAR USES**

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar by the Zoning Inspector. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

## ARTICLE 11

### PROCEDURES AND REQUIREMENTS FOR AMENDMENTS

#### 1100 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

#### 1102 INITIATION OF ZONING AMENDMENTS

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

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### 1104 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official zoning map adopted as part of this Resolution by *Section 304: Zoning Districts Map* shall contain at least the following information:

- A. The name, address, and phone number of applicant(s).
- B. The proposed amending resolution, approved as to form by the County Prosecutor or other applicable Township legal representative.
- C. A statement of the reason(s) for the proposed amendment.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.

- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than 10 parcels are to be rezoned.
- J. A statement on the ways in which the proposed amendment relates to the County comprehensive plan, if applicable.
- K. A fee as established by Resolution of the Board of Township Trustees.

**1106 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the official zoning map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant(s).
- B. The proposed amending resolution, approved as to form by the County Prosecutor or other applicable Township legal representative.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the County comprehensive plan, if applicable.
- E. A fee as established by Resolution of the Board of Township Trustees.

**1108 TRANSMITTAL TO ZONING COMMISSION**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

**1110 SUBMISSION TO COUNTY OR REGIONAL PLANNING COMMISSION**

Within 5 days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee of property, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the County or Regional Planning Commission. The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**1112 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

**1114 PUBLIC HEARING BY ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

**1116 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing as required in *Section 1114*, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

**1118 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least 10 days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in *Section 1116*.

**1120 RECOMMENDATION BY ZONING COMMISSION**

Within 30 days after the public hearing required by *Section 1114*, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the County comprehensive plan, if applicable.

**1122 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in *Section 1116*.

**1124 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within 20 days after the public hearing required by *Section 1122*, the Board of Township Trustees shall either adopt or deny the recommendation 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, the unanimous vote of the Board of Township Trustees is required.

**1126 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than 8 per cent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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

## ARTICLE 12

### ADMINISTRATION

#### **1200 PURPOSE**

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

#### **1202 ZONING PERMIT APPLICATION**

The purpose of the zoning permit application is to collect pertinent information in regards to the proposed project. The permit application shall address but not be limited to the following items:

1. Name and address of the applicant. The applicant needs to provide an address of the project which if they have none needs to be obtained from the county engineer.
2. In the case of residential housing the following needs to be provided:
  - A. A valid permit for a septic system as approved by the County Health Department. (A copy to be attached to the application)
  - B. A valid permit for a waste supply system as approved by the County Health Department. (A copy to be attached to the application)
3. A drawing of the property (a copy of the survey of the property is preferred) with the proposed project located on the drawing along with the setback distances to all property lines. Also to be noted on the drawing is the location of the water supply and the septic system with distances to the proposed project defined.
4. Type of construction (wood frame, pole building, etc.).
5. Questions to be answered but not limited to are (1) will the building be used as a residence, (2) if not residential, then the intended use of the building, (3) the projected cost of the project, (4) new construction verses remodeling, and (5) and the zoning inspector shall have the right to ask for any other information about the project that is pertinent to the project.
6. The permit should be displayed on the proposed project in such a manner to be identifiable to any person questioning if a permit has been issued.
7. The zoning inspector shall make any notes or comments on the application.
8. Dates of the application, the ten day evaluation period, the date of the issue of the permit, and the dates of any special provisions of the application.
9. Signature of the applicant and the signature of the zoning inspector.

#### **1204 ZONING INSPECTOR**

A Zoning Inspector employed by the Board of Township Trustees shall administer and enforce this Resolution. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees. If deemed appropriate by the Board of Zoning Appeals, the Zoning Inspector or Township Trustees may require a developer or



property owner to provide a performance bond in the name of Washington Township to assure funds for the completion of improvements covered by these zoning regulations.

## **1206 DUTIES OF ZONING INSPECTOR**

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

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- C. Issue zoning certificates as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which he/she is authorized to act by the provisions of this Resolution within the specified time (according to Section 1306) or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. The Zoning Inspector may bring the application to the Zoning Commission at their next regularly scheduled monthly meeting for discussion of the permit. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- E. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action. If the intended use as stated on the zoning application is changed or not followed, then the permit application and the applicant would have to go to the Board of Zoning Appeals for a zoning variance or the permit will be revoked and appropriate action according to the zoning code shall be taken.
- F. Help Township Trustees maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township office.
- G. Help Fiscal Officer maintain permanent and current records required by this Resolution, including but not limited to zoning certificates, conditional zoning certificates, inspection documents, and records of all variances, amendments and nonconforming uses.
- H. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
- I. Review and approve site plans pursuant to this Resolution.

- J. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or initiate such other administrative or legal action as needed, to address such violations.
- K. Prepare and submit a monthly/annual report to the Township Trustees on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

**1208 ZONING COMMISSION COMPOSITION AND APPOINTMENT**

The Zoning Commission shall consist of 5 members. Each member shall be appointed by the Township Trustees for a period of 5 years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. In the event a vacancy occurs such vacancy shall be filled by appointment for the balance of the unexpired term.

Members of the Zoning Commission shall be removed for nonperformance of duty, misconduct in office or other cause, after a public hearing has been held by the Board of Township Trustees regarding such charges. A copy of the charges shall be served upon the members so charged at least 10 days prior to the hearing either personally or by registered mail or by leaving same at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

**1210 ZONING COMMISSION PROCEEDINGS**

The Zoning Commission shall prescribe rules for the conduct of its affairs in keeping with the provisions of this Resolution, shall elect a chairman from its membership and shall appoint a recording secretary. The Zoning Commission shall meet at the call of its chairman or 2 other members, and at such other regular times as it may, by resolution, determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be filed within 3 days of the meeting in the Township office. The Zoning Commission shall require a quorum of 3 members at all its meetings, and a concurring vote of 3 members shall be necessary to affect an order.

**1212 DUTIES OF ZONING COMMISSION**

For the purpose of this Resolution the Zoning Commission shall have the following duties:

- A. Recommend the proposed Zoning Resolution, including text and Official Zoning District Map to the Township Trustees for formal adoption.

- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Township Trustees.
- C. Review all proposed amendments to the text of this Resolution and the Official Zoning District Map and make recommendations to the Township Trustees as specified in *Article 11*.
- D. Review all proposed planned unit developments and make recommendations to the Township Trustees as specified in Section 540.
- E. Review respective site, development, drainage, parking, and related plans as appropriate or requested by the Zoning Inspector.
- F. Provide assistance in the interpretation of the Zoning Resolution as requested by the Zoning Inspector.
- G. Carry on a continuous review of the effectiveness and appropriateness of the Zoning Resolution and recommend such changes or amendments as it feels would be appropriate.

**1214 BOARD OF ZONING APPEALS COMPOSITION AND APPOINTMENT**

The Board of Zoning Appeals shall consist of 5 members. Each member shall be appointed by the Township Trustees for a period of 5 years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. In the event a vacancy occurs such vacancy shall be filled by appointment for the balance of the unexpired term.

Members of the Board of Zoning Appeals shall be removed for nonperformance of duty, misconduct in office or other cause, after a public hearing has been held by the Board of Township Trustees regarding such charges. A copy of the charges shall be served upon the members so charged at least 10 days prior to the hearing either personally or by registered mail or by leaving same at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

**1216 BOARD OF ZONING APPEALS PROCEEDINGS**

The Board of Zoning Appeals shall prescribe rules for the conduct of its affairs in keeping with the provisions of this Resolution, shall elect a chairman from its membership and shall appoint a recording secretary. The Board of Zoning Appeals shall meet at the call of its chairman or 2 other members, and at such other regular times as it may, by resolution, determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall

keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the Township office.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of 3 members of the Board shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

#### **1218 DUTIES OF THE BOARD OF ZONING APPEALS**

For the purpose of this Resolution the Board of Zoning Appeals shall have the following duties:

- A. To hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by the Zoning Inspector, in the enforcement of this Resolution.
- B. To authorize variances from the specific requirements of this Resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.

#### **1220 DUTIES OF THE BOARD OF TOWNSHIP TRUSTEES**

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

- A. Approve the appointments or require disciplinary action of members to the Zoning Commission.
- B. Approve the appointments or require disciplinary action of members to the Board of Zoning Appeals.
- C. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- D. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

## **1222 LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in *Section 1224*. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts as provided in *Chapters 2505 and 2506 of the Ohio Revised Code*. Any such appeal shall be made within 10 days of the Board's written decision.

## **1224 SCHEDULE OF FEES**

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning certificates, amendments, appeals, variances, conditional zoning certificates, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector/Zoning Commission with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

## ARTICLE 13

### ENFORCEMENT

#### 1300 GENERAL

This article stipulates the procedures to be followed in obtaining zoning certificates and other legal or administrative approvals under this Resolution. Procedures for conditional zoning certificates shall be followed as defined in *Sections 1002 - 1018*.

#### 1302 ZONING CERTIFICATES REQUIRED

Before constructing, changing the use of, or altering any structure or building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. Zoning certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. Failure to obtain a zoning certificate shall be a punishable violation of this Resolution.

#### 1304 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

The application for zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within 2 years. At a minimum, the application shall contain the following information and be accompanied by all required fees, as established by the Board of Trustees:

- A. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- B. The locations, dimensions, height, and bulk of structures to be erected, or existing structures on the lot, if any.
- C. The proposed use.
- D. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
- E. The yard, open area, and parking space dimensions.
- F. Any other pertinent data as may be necessary to determine and provide for the enforcement of this resolution.
- G. A survey and or deed of property, pins or GPS survey showing all measurements, easements and restrictions on said property, at the discretion of the Zoning Inspector.

- H. Physical footprint of new construction marked with (stakes, flags) as well as marked property lines for visual inspection by the Zoning Inspector.

**1306 APPROVAL OF ZONING CERTIFICATE**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning certificates shall, however, be conditional upon the commencement of work within one (1) year. One copy of the application shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Resolution.

**1308 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning certificate for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning certificate.

**1310 EXPIRATION OF ZONING CERTIFICATE**

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning certificate has not been substantially completed within 2 years of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.

**1312 RECORD OF ZONING CERTIFICATES**

The Fiscal Officer shall maintain a record of all zoning certificates, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

**1314 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS**

Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

**1316 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

**1318 ENTRY AND INSPECTION OF PROPERTY**

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor and/or its legal representative in securing a valid search warrant prior to entry.

**1320 STOP WORK ORDER**

Subsequent to his/her determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

**1322 ZONING CERTIFICATE REVOCATION**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.



## **1324 NOTICE OF VIOLATION**

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Resolution, a warning tag and/or written order shall be issued and shall serve as a notice of violation. All violations shall be corrected within a period of 30 days after the notice of violation is issued, or for a longer period of time as indicated by the Zoning Inspector. Such order shall:

- A. Be in writing;
- B. Identify the violation;
- C. Include a statement of the reason(s) why it is being issued and reference the appropriate sections of this Resolution being violated; and
- D. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age; or
- B. By certified mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

## **1326 PENALTIES AND FINES**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not less than 50 dollars nor more than 100 dollars, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits,

participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**1328 ADDITIONAL REMEDIES**

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

# **APPENDIX**

## **I. SUPPLEMENTARY ZONING FORMS (Examples Only)**

# **APPENDIX**

## **II. BUILDING HEIGHT**

# **APPENDIX**

## **III. LOT EXAMPLES**

# **APPENDIX**

## **IV. LOT TERMS**

# **APPENDIX**

## **V. ROOF TYPES**

# **APPENDIX**

## **VI. SIGN TYPES SIGN AREA CALCULATION**



# **APPENDIX**

## **VII. STREET SYSTEM**

# **APPENDIX**

## **VIII. YARD EXAMPLES**

# **APPENDIX**

## **IX. ZONING DISTRICTS MAP**

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