



Zoning Resolution

**Adopted February 11, 1957
As amended through April 2, 2018**

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Section 1 Title

This Resolution shall be known as the "Washington Township Zoning Resolution", originally adopted February 11, 1957 and amended December 17, 1985, June 21, 1999, January 8, 2001, February 12, 2001, August 5, 2002, December 2, 2002, July 17, 2006, January 22, 2007, January 7, 2008, June 15, 2009, April 5, 2010, September 20, 2010, December 6, 2010, March 21, 2011, September 12, 2011, March 12, 2012, July 16, 2012, September 17, 2013, December 15, 2014, November 7, 2016, December 18, 2017, and April 2, 2018.

Section 2 Purpose

This Resolution is enacted by, and for, the citizens of the unincorporated area of Washington Township, Montgomery County, Ohio. Its purpose is:

To secure and promote the public health, safety and morals of the citizens;

To secure the most appropriate use of land for the area;

To preserve and protect individual property rights;

To preserve and protect the collective economic interests of the community, as represented by the citizens' investment in land and improvements; and,

To facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan.

Additionally, this resolution is enacted to specify the method by which it is to be administered and to prescribe penalties for the violations of provisions hereinafter described. [Revised June 21, 1999]

Section 3 Interpretation of Standards

In their interpretation and application, the provisions of the Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Resolution shall control.

Section 4 Extension of Essential Services

It is recognized that essential services are not presently available to all parcels of land zoned for agricultural and/or residential use.

Maintenance of viable zoning plans may require amendments from time to time, to reflect changes brought about by the extension of essential services into newly developing urban areas.

Section 5 Township Zoning Inspector

For the purpose of enforcing the zoning regulations, the Board of Township Trustees may provide for a system of zoning certificates, and for this purpose may establish and fill the position of Township Zoning Inspector, together with such assistants as the board deems necessary, fix the compensation for such positions, and make disbursements for them. (Revised June 21, 1999)

Section 6 Zoning Certificates

- A. When required. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the unincorporated area of Washington Township without obtaining a zoning certificate, and no such zoning certificate shall be issued unless the plans for the proposed building or structure or alterations thereto fully comply with the zoning regulations then in effect. (Revised June 21, 1999)

- B. When to obtain. A Zoning Certificate shall be obtained from the Zoning Inspector by the owner or his agent prior to the beginning of any use, work on the land or building or structure. The Zoning Certificate shall state that the proposed project as shown by the plans and specifications filed with the Zoning Inspector conforms with all the provisions of this Resolution. (Revised June 21, 1999)

- C. Application for Zoning Certificate. Every application for a Zoning Certificate shall be signed by the owner or his agent and shall include the following: (Revised January 22, 2007)
 - 1. Plans and drawings in duplicate, drawn to scale, in black or blue line print, showing: (Revised June 21, 1999)
 - a. The actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, including the width of the lot at the setback line.
 - b. The exact location and size of any building or structure to be erected or altered, and the location and dimensions of all yards, driveways and off-street parking spaces; and if required, parking area diagrams, district buffer strips, drainage, landscaping, lighting, and the location and dimensions of refuse areas.
 - c. The front, side and rear elevations of the building or structure as it will appear when completed.
 - d. When no buildings or structures are involved, the location of the present use and proposed use to be made of the lot.
 - e. Any other requirements listed under General Regulations.
 - 2. The existing and the intended use of each building or structure or part thereof, and a statement that the proposed use will meet every requirement of this Resolution.
 - 3. If a residential building, the number of dwelling units the building is designed to accommodate.
 - 4. Any other information as requested by Washington Township. (Revised January 22, 2007)

- D. Granting of a Zoning Certificate. The Township Zoning Inspector shall issue a Zoning Certificate after he/she has approved the application. One copy of plans furnished by the applicant shall be returned to him. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

- E. Fees. There shall be a fee for all Zoning Certificates. Fees shall be set by the Township Trustees.

- F. Period of Validity. A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued, unless within such twelve (12) month period, construction,

building, moving, remodeling, or reconstruction of the integral portions of the foundations, floor, supporting walls and/or roof for the building or structure is commenced.

Section 7 Certificate of Zoning Compliance

It shall be unlawful to use or occupy any land, building or structure or portion of any land, building or structure for which a Zoning Certificate is required unless a Certificate of Zoning Compliance has been issued to the owner or his agent. Said permit shall state that the building, structure, proposed use, or land complies with the provisions of the Resolution, and shall be issued by the Township Zoning Inspector after he/she has inspected the premises and determined that said provisions have been complied with. (Revised June 21, 1999 and January 22, 2007)

Section 8 Temporary Certificates and Permits

Temporary Zoning Certificates and Certificates of Zoning Compliance for a period of sixty (60) days or less with specific expiration dates may be issued by the Zoning Inspector for any permitted use of a temporary nature upon payment of a fee and after data is furnished as required by the Zoning Inspector. Such Certificates and Permits for more than sixty (60) days, but not more than twelve (12) months, shall be authorized by the Board of Zoning Appeals. (Revised June 21, 1999 and January 22, 2007)

Section 9 Violations and Penalties

No land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, constructed, maintained, used, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located and in conformity with all other regulations herein. Each day's continuation of a violation of this section may be deemed a separate offense. Any person, firm or legal entity violating any regulation in or any provision of this Resolution or of any amendment, shall be deemed in violation of the Zoning Resolution of Washington Township, Montgomery County, Ohio and, upon conviction thereof, shall be fined the maximum amount allowable by the Ohio Revised Code each and every day during which such violation continues. (Revised June 21, 1999; January 22, 2007; and December 15, 2014)

Section 10 Action to Prevent Violations

In case any building, sign, or other structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Board of Trustees of Washington Township, the Prosecuting Attorney of Montgomery County, Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. (Revised June 21, 1999)

Article 2:
Board of Zoning Appeals

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Section 1 Appointment of Board

A Board of Zoning Appeals of Washington Township is hereby created. Such Board shall be appointed by the Board of Township Trustees for five-year terms and shall consist of five members and up to two alternate members, who shall be residents of the unincorporated territory of Washington Township.

- A. The terms of all regular members shall be of such length and so arranged that the term of one member shall expire each year.
- B. The terms for alternate members shall be established by the Washington Township Trustees.
- C. Each member or alternate member shall serve until his successor is appointed and qualified.
- D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- E. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- F. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 2 Board Organization

- A. The board shall organize and adopt rules in accordance with the provision of this Resolution.
- B. The Board may call upon the township departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the Board as may reasonably be required.

Section 3 Jurisdiction: Appeals and Applications

- A. General. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, appeals and applications as set forth in this Section. The Board shall have no more than 60 days from the filing of an appeal or application to make a decision.
- B. Appeal from Administrative Decision. Appeals to the Board may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. The Board may hear and decide appeals, filed as herein provided, where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector or other administrative official in the enforcement of sections 519.02 to 519.25 of the Ohio Revised Code or this Resolution. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- C. Application for Conditional Use. The Board may grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided

for in this Resolution. If the Board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Ohio Revised Code or activities that are related to making finished aggregate products, the Board shall proceed in accordance with section 519.141 of the Ohio Revised Code. The Board shall impose such requirements and conditions, in addition to those required by this Resolution, as it deems necessary.

Items to be considered by Board of Zoning Appeals before issuing a Conditional Use Certificate:

1. Will the proposed use adversely affect the health, safety, security, morals or general welfare of the residents, visitors or workers in the area;
2. Will the proposed use be consistent with the general plan for the physical development of the zoning district;
3. Will the proposed use be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activities, traffic and parking conditions and number of similar uses;
4. Will the proposed use be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will it cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity;
5. Will the proposed use have a detrimental impact on vehicular or pedestrian traffic;
6. Will the proposed use, in conjunction with the existing development in the area and the development permitted under the existing zoning, overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.

D. Application for Height or Area Variance (Revised September 12, 2011)

The Board shall have the power to authorize upon application in specific cases, such variances from the height or area requirements of this zoning resolution as will not be contrary to the public interests; but only in such cases where, the property owner has encountered practical difficulties in the use of his property. Factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but shall not be limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The Board may prescribe conditions it deems necessary to ensure that the objectives of the regulations or provisions of the Resolution to which the variance applies will be met.

E. Application for Use Variance (Revised September 12, 2011)

The Board shall have the power to authorize upon application in specific cases, such variances to allow uses not otherwise permitted by this Zoning Resolution whereby owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, so that the spirit of the resolution shall be observed and substantial justice done.

1. A hardship exists when the zoning, as applied, prevents property from being used in the manner for which it is zoned.
2. A use variance cannot be granted as a result of a hardship which is self-created. A self-created hardship includes, but is not limited to, the purchase of property with knowledge of the zoning restriction or the creation of a condition which necessitates the granting of the variance.
3. Enhancement of the value of the property or to increase profit upon sale or lease of the property shall not be the basis for the granting of a use variance.

Section 4 Procedure: Appeals and Applications

- A. Data required for Conditional Use, Use or Height, or Area Variance shall be accompanied by the following:

Every application for a Conditional Use, Use or height, or area variance shall be accompanied by the following:

1. A map showing the location of property which is the subject of the application. This map shall show also the location of any buildings and structures on the property and all lots within five hundred (500) feet of any part of the property.
 2. The names and address of the owners of property within five hundred (500) feet of the property involved as shown on the records of the Auditors of Montgomery County, Greene County or Warren County, Ohio.
 3. A filing fee in an amount established by the Board of Trustees of Washington Township.
 4. A copy of the current zoning certificate for the current use of the property which is the subject of the application.
- B. Hearings. The Board shall fix a reasonable time for a public hearing of an appeal, give at least ten (10) days notice in writing to the parties of interest and give notice of the public hearing in at least one newspaper of general circulation in Montgomery County, Ohio at least ten (10) days before the hearing.
- C. Conditions. In granting an appeal or application, the Board may impose on the applicant such requirements and conditions, including posting of bond, with respect to location,

construction, maintenance and operation, as the Board may deem necessary for the protection of adjacent properties and the public interest. Any noncompliance with such requirements or conditions on the part of the owner shall be considered a violation of this Resolution.

- D. Appeal. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Montgomery County, Ohio as per the Ohio Revised Code.
- E. Period of Validity. A Conditional Use Certificate granted by the Board shall terminate at the end of one year from the date on which the Board grants the Conditional Use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started or the property is being used as permitted by the Conditional Use Certificate.

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**Article 3:
Establishment of Districts**

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Section 1 Districts

For the purpose of this Resolution, the unincorporated area of Washington Township is hereby divided into zoning districts, the boundaries of which are shown on the map as prepared by Washington Township which is hereby made a part of this Resolution.

Section 2 District Titles

The unincorporated area of Washington Township shall be divided into the following districts:

"A"	Agricultural District	"I-1"	Light Industrial District
"R-1"	Single-Family Residential District	"PD-R"	Planned Development Residential District
"R-2"	Single-Family Residential District	"PD-RM"	Planned Development Residential Multi-Family
"R-3"	Single-Family Residential District	"PD-RC"	Planned Development Residential Conservation District
"R-4"	Single-Family Residential District	"PD-O"	Planned Development Office District
"R-5"	Multi-Family Residential District	"PD-OR"	Planned Development Office Residential
"OR-1"	Office Residential District	"PD-O2"	Planned Development Office District 2
"OR-2"	Office Residential District	"PD-O3"	Planned Development Office District 3
"OR-3"	Office Residential District	"PD-B"	Planned Development Business District
"OR-4"	Office Residential District	"PD-B1"	Planned Development Business District 1
"O-2"	Office District	"PD-B2"	Planned Development Business District 2
"O-3"	Mid-Rise Office District	"PD-B3"	Planned Development Business District 3
"B-1"	Business District	"PD-B4"	Planned Development Business District 4
"B-2"	Business District	"PD-I"	Planned Development Industrial District
"B-3"	Business District	"PD-T"	Planned Development Transition District
"B-4"	Business District	"PD-MU"	Planned Development Mixed-Use District
		"SU"	Special Use District - any property established as a special use district shall remain in existence as approved unless replaced by one of the above districts, but no new Special Use District shall be created after December 17, 1985.

Section 3 District Boundary Lines

Unless otherwise indicated on the Zoning map, the boundary lines of districts are intended to follow lot lines or the projection of lot lines, the center lines of streets or other ways or the extension of such center lines.

Section 4 Additional Territory

Upon additional territory becoming a part of the unincorporated area of Washington Township, the zoning regulations as existing for said territory at the time of its becoming a part of the unincorporated area of Washington Township shall remain in full force and effect until such time as new zoning regulations are adopted by Washington Township for said territory.

Article 4: District Change & Resolution Amendment

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Section 1 General

In accordance with section 519.02 of the Ohio Revised Code, the Board of Township Trustees may, by resolution, after recommendation thereon by the Zoning Commission and subject to the procedure provided in the Ohio Revised Code, amend or change the regulation, district boundaries or classifications of property, now or hereafter established by this Resolution or amendments thereof. Such amendments may be made without the vote of electors, except as provided by the Ohio Revised Code. (Revised January 22, 2007)

Section 2 Appointment of the Commission (Revised January 22, 2007)

A Washington Township Zoning Commission is hereby created. Such Commission shall be appointed by the Board of Township Trustees for five-year terms and shall consist of five members, who shall be residents of the unincorporated territory of Washington Township.

- A. The terms of all members shall be of such length and so arranged that the term of one member shall expire each year.
- B. Each member shall serve until his successor is appointed and qualified.
- C. Members of the Commission shall be removable for nonperformance of duty, misconduct in office or other cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- D. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 3 Commission Organization (Revised January 22, 2007)

- A. The Commission shall organize and adopt rules in accordance with the provision of this Resolution.
 - 1. Meetings of the Commission shall be held at the call of the Chairperson, and at such other times as the Commission may determine.
 - 2. 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 actions and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.
 - 3. The Commission members shall be required to disqualify themselves from the deliberations and voting on cases in which they are among the notified property owners.

- B. Three members of the Commission shall constitute a quorum. The Commission shall act by resolution; and the majority vote of the quorum shall be necessary to exercise any power of the Commission.
- C. The Commission may call upon the township departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the Commission as may reasonably be required.
- D. The Township Zoning Commission shall submit its recommendation regarding all applications to the Board of Township Trustees.

Section 4 Procedure for Change

- A. By whom initiated

Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefor by the Board of Township Trustees or by the filing of an application thereof by one or more of the owners, lessees, of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. (Revised January 22, 2007)

- B. Application for change of district boundary or reclassification of property (Revised January 22, 2007)

All applications for change in district boundary or reclassification of property shall include the following:

- 1. Description and location of property.
- 2. Description of proposed use and/or buildings or structures.
- 3. The reasons for change.
- 4. A map of the area including all lots within five hundred (500) feet of any part of the property involved, and location and use of building or structures thereon.
- 5. The names and addresses of owners of lots shown on said map.
- 6. Verification by the applicant attesting to the truth and accuracy of all facts and information presented in the application.
- 7. Filing fee, as established by the Washington Township Trustees and made payable to Washington Township Trustees. (Revised January 22, 2007)
- 8. Architectural or engineering drawings and data that will show the type of buildings and/or structures and landscaping proposed. (Revised January 22, 2007)
- 9. A plot plan of the tract meeting the requirements of this Resolution, showing among other requirements, the following: (Revised January 22, 2007)
 - a. Public and/or private streets.
 - b. District buffer areas.
 - c. Parking and loading area diagrams.
 - d. Building structure size and location.
 - e. Landscaping plans.

- f. Lighting plans.
 - g. Any other information required in General Regulations.
10. For a "PD" District, all requirements specified in Planned Development shall also be furnished. (Revised January 22, 2007)
11. Any other information as requested by the Board of Trustees and/or Zoning Commission.
- C. Planning Commission Action
- 1. Within five (5) days after the initiation of any amendment, the Zoning Commission shall transmit a copy thereof with text and map pertaining thereto to the County Planning Commission. (Revised January 22, 2007)
 - 2. The County 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 on such proposed amendment. (Revised January 22, 2007)
- D. Public Hearing
- Upon the initiation of any amendment, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.
- Before submitting its recommendation on a proposed amendment to the Township Trustees, the Zoning Commission shall hold at least one public hearing thereon. (Revised January 22, 2007)
- E. Notice of Public Hearing
- 1. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
 - 2. If the proposed amendment intends to re-zone or re-district ten or less parcels of land, written notice of the public hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all property owners within five hundred (500) feet of any part of any property proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list. (Revised January 22, 2007)
 - 3. The failure of delivery of such notice shall not invalidate any such amendment. (Revised January 22, 2007)
 - 4. The published and mailed notices shall contain information set forth by section 519.12 of the Ohio Revised Code. (Revised January 22, 2007)
- F. Recommendation of the Commission and Certification to Trustees
- The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County Planning Commission thereon to the Township Trustees. (Revised January 22, 2007)
- G. Public Hearing by the Trustees

1. The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. (Revised January 22, 2007)
 2. Notice of such public hearing shall be given by the Trustees by publication in one or more newspapers or general circulation in the Township at least ten (10) days before the date of such hearing.
 3. The published notice shall contain information set forth by section 519.12 of the Ohio Revised Code. (Revised January 22, 2007)
- H. Action by the Trustees
1. Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.
 2. In the event that the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Trustees is required.

I. Effective Date

Such amendment adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty days after the adoption of the amendment, there is presented to the Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding election at which a governor was elected, requesting the Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election. (Revised January 22, 2007)

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Article 5: Validity

Section 1 Validity2

Section 1 Validity

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Resolution.

Article 6: Agricultural District

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Preamble This district has been established to provide for agricultural activities and related uses and is intended to protect and preserve areas for continued agricultural and agriculturally related uses, natural features, and the rural character of the agricultural district. (Revised January 7, 2008)

Section 1 Principal Permitted Uses

Land Use Type	*	Right-of-Way Width Required	Special Note
Agriculture	P	Any	
Single-Family Dwelling	P	Any	
Public or Private Academic School	P	70	5
Public Library	P	70	
Public Building	P	70	
Public Park	P	Any	
Day Care Center	C	70	
Private Noncommercial Facilities	C	60	2
Church	C	70	5
Rear Dwelling	C	Any	1
Animal Hospitals, Kennels, or Animal Shelters	C	Any	2
Riding Stable	C	Any	2
Radio and/or Television Transmitter	C	Any	2
Temporary Sawmill for less than 12 months	C	Any	2
Circus/Carnival not exceeding 7 days	C	Any	2
Storage and Drilling of Petroleum Products	C	Any	3
Greenhouse or Nursery	C	Any	4
Golf Course or other Outdoor Recreation	C	70	4
Landscaping/Lawn Care	C	70	4
Bed & Breakfast	C	70	
Telecommunications Tower	P	Any	6

*(P)=Permitted Use (C)=Conditional Use

Special Notes

- (1.) Located on a lot of two (2) or more acres.
- (2.) Structure(s) must be located two hundred (200) feet or more from all adjacent properties.
- (3.) Crude oil, natural gas and accessory minerals provided any installation is located two hundred (200) feet from adjacent property with the exception of a storage tank or relatively permanent derrick which must be at least three hundred (300) feet from building on any adjoining property.
- (4.) Structure(s) must be located one hundred (100) feet or more from all adjacent properties.
- (5.) Must be located on a minimum of five (5) acres with three hundred (300) feet of lot frontage.
- (6.) See Article 13, Section 27 Telecommunication Tower for applicable standards. (Revised December 18, 2017)

For all uses shown above with right of way requirements, the use shall only be permitted when the lot on which the use is to take place has frontage(s) on a public street(s) with a minimum right of way as listed. All vehicular access shall be directly from the roadway(s) having the minimum of right of way as listed. All right of way(s) are as indicated on the Official Thoroughfare Plan of Montgomery County.

Section 2 Permitted Conditional Uses and Regulations

- A. Bed and Breakfast facilities shall meet all the following conditions in addition to those outlined in Article 2 of this Resolution:
 1. Residential dwellings housing a bed and breakfast shall be forty (40) years or older;
 2. The minimum lot size for a residential dwelling housing a bed and breakfast establishment shall be twenty-thousand (20,000) square feet;
 3. Shall be a minimum of five-hundred (500) feet from another bed and breakfast establishment;

4. Shall be located on a collector street or higher classification as identified by the Montgomery County Engineer’s office;
5. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated;
6. The owner/operator of the bed and breakfast shall live full-time on the premises;
7. Only members of the family residing on the premises shall be engaged in such occupation. The establishment may include one (1) full-time equivalent employee in addition to any member of the family residing on the premises;
8. Shall have a maximum of three (3) double-occupancy guest rooms with no more than two (2) guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, “adult” means any person over the age of eighteen (18) years old;
9. The maximum length of stay for any guest is fourteen (14) consecutive days;
10. One (1) parking space for each guest room shall be provided; the location and screening of said places shall be determined by the Board of Zoning Appeals;
11. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such bed and breakfast residence other than one sign, not to exceed three (3) square feet in area with no illumination. Said sign shall be mounted flat against the wall of the principal building;
12. Displays of goods, products, services, or other advertising shall not be visible from outside the building;
13. On-premise retail sales shall not be a component of the bed and breakfast use;
14. Activities associated with the establishment shall be provided for overnight guests only;
15. Accessory structures may be utilized for guest accommodation purposes as part of a bed and breakfast inn use. The number of guest bedrooms in the accessory structure(s) shall not exceed the number of guest bedrooms in the principal structure. Such accessory structures shall have or shall be constructed to have architectural compatibility with the principal structure. Accessory structures used to accommodate the guests of bed and breakfast facilities are not subject to the floor area limitations for accessory structures but shall not exceed thirty-five (35) percent of the gross floor area of the principal structure and shall comply with the setback requirements for accessory structures unless such setback requirements are modified through the application of the flexible development standards provisions of this Resolution. Passive recreation-related outdoor activities are allowed outside the principal structure or any accessory structure(s), but all other activities and functions designed to serve and entertain guests shall take place only within the principal structure.

Section 3 Permitted Accessory Uses and Regulations

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, tool sheds, storage buildings or picnic shelters; provided that such accessory uses shall not involve the conduct of any business trade or industry (with the exception of legally permitted Home Occupation as defined in this Resolution).
- B. Accessory buildings or structures shall occupy no more than 35 percent of the rear yard.

- C. Permitted accessory uses and regulations are located in Article 13, Section 14 of this Resolution. [Revised December 15, 2014]

Section 4 Prohibited Accessory Uses – On Lots without Agricultural Uses (Revised January 7, 2008)

- A. Open storage of, but not limited to; junk, refuse, miscellaneous discarded items, inoperative items and equipment, inoperative or unlicensed motor vehicles, inoperative recreational equipment, auto parts, auto accessories, or inoperative appliances.

Section 5 Development Standards

In addition to the provisions of the General Regulations, the following standards for arrangement and development of land and building are required in the "A" Agricultural District. (Revised January 7, 2008)

- A. Height Standards

Structure Type	Height Standard
Primary Structure	Non-agricultural structures shall not exceed two and one half (2 1/2) stories or thirty-five (35) feet, whichever is greater.
Accessory Structure	Non-agricultural accessory structures shall not exceed the height of the primary structure or fifteen (15) feet in height, whichever is greater.
Places of Public Assembly	Places of public assembly in churches and schools may exceed the maximum height permitted in this district, provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in this district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in this district.

- B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Land Use	Lot Area	Lot Frontage	Required Front Yard Setback	Required Side Yard Setback	Required Rear Yard Setback
Residential	40,000 sq. ft.	150'	60'	20'	70'
Churches and School	5 Acres	300'	100'	60'	80'
Other Permitted Uses	80,000 sq. ft.	200'	100'	60'	80'

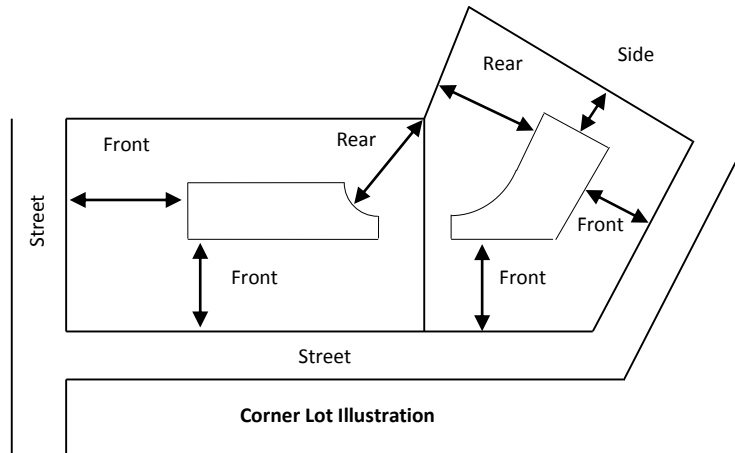
Note: Frontage shall be one-hundred and fifty (150) feet or a minimum of forty percent (40%) of the depth of the lot, whichever is greater. The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Except as otherwise provided herein, any non-residential building accessory to a dwelling and/or private swimming pool may be located in the rear yard provided it conforms to the side yard requirements of the lot and is placed 5 feet or more from the rear lot line. However, if placed within the rear portion of the rear yard, then it may be located 5 feet or more from any lot line; provided each and every part of the accessory building and/or swimming pool is closer to the rear lot line than to any part of the main building.

- C. Corner Lots

Any corner lot shall have two (2) front yards of the required depth, two (2) or more side yards of the required width, and a rear yard of the required depth. If no lot line exists that may be

deemed the rear lot line, then the required rear yard depth shall be measured from a point most distant from the front lot lines at which two (2) side lot lines intersect.



D. Decreased Front Yard

The minimum front yard depth may be decreased on any lot in an "A" District whenever:

1. There is a dwelling on each side and within one-hundred (100) feet of said lot on the same side of the street and in the same block, and;
2. The average depth of the front yards of said dwellings is less than the front yard required by this Resolution for the proposed use on such lot.

In such case the required front yard depth of such lot may be the same or greater than said average, but not less than the front yard depth of any dwelling on a lot immediately adjoining.

E. Increased Side Yard

In any "A" District the required minimum width of any side yard adjoining a "B" district shall be doubled.

F. Projections into Required Yards

Architectural features may project into required yards or into courts as follows:

1. Into any required front or side yard adjoining a side street:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
 - b. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 - c. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
 - d. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
2. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to

exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

3. Subject to the limitations in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

G. Frontage on Cul-De-Sac

The front lot line of a lot fronting on a cul-de-sac may be reduced to less than the minimum frontage required, provided the average width of the lot and the width of the lot at the building line is equal to or more than said required frontage.

H. Location of rear dwellings in an "A" District

A rear dwelling in any "A" District shall conform to all yard, parking and driveway requirements of this Resolution for a principal dwelling in the district where it is located, and for the purpose of determining the front yard required in such case, the rear line of the rear yard required for the principal dwelling shall be considered the front line for the rear dwelling. In addition there shall be provided for any such rear dwelling an unoccupied or unobstructed access way of twenty (20) feet wide or wider.

Section 6 Residential Entrance Gate Requirements (Revised January 7, 2008)

A. Residential entrance gates and accessory fencing are permitted in residential areas provided:

1. Gate is constructed of wrought iron or wrought iron "look alike" material. The space between the wrought iron must be open.
2. The entrance gates, post and lighting may not exceed eight (8) feet in height. Landscaping and fencing must be placed outside the official thoroughfare plan right-of-way.)
3. If accessory fencing extending from the main gate is of wrought iron material, then the accessory fence and post height may be up to five (5) feet.
4. Gate and fencing must meet the Washington Township Fire Department standards and may not create a traffic visibility hazard for adjoining roadways and properties.
5. The minimum lot size shall be eighty-thousand (80,000) square feet with a minimum road frontage of two-hundred (200) feet.
6. A zoning certificate is required for the gate and accessory fencing.

Section 7 Parking and Loading

Two (2) off-street residential parking spaces of one hundred eighty (180) sq. ft. each shall be required for each dwelling unit and shall be located wherever a principal building or accessory building is permitted, and an improved driveway (graded and preferably a hard surface of bituminous or Portland cement concrete), shall connect said parking space with a street. Any driveway giving access on a street with a right-of-way of seventy (70) feet or more shall include an off-street cul-de-sac or turn around. All other off-street parking and loading requirements shall conform to the General Regulations.

Section 8 Lighting

All lighting shall be designed as to prevent a glare at eye level on surrounding public or private property in an area used for residential purposes.

Section 9 Provisions affecting Area, Yards, and Courts

A. Street Frontage Required

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel shall contain any building used in whole or in part for residential purpose unless the front line of such lot abuts fully on a dedicated street or an approved private street. Each lot shall meet the frontage requirements of the zoning district in which it is located.

B. Reduction and encroachment of open space

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution except as permitted under Open Space Transfer to the Park District, and, if already less than minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of yard, court, parking area or other space required under this Zoning Resolution, for another building or structure.

C. Lot of record

In any district where dwellings are permitted, a single family dwelling may be located on any lot of record as of the effective date of the Washington Township Zoning Resolution, irrespective of its area or dimensions, provided any one of the following conditions exist:

1. All front, side, and rear yard requirements of this Resolution are met.
2. A building permit for said dwelling has been properly granted by the Montgomery County Building Inspector prior to the enactment of this Resolution.
3. The Board of Zoning Appeals grants a variance in yard requirements.

D. Landscaping of yards in residential area

1. Grass and/or ground cover for any residential dwelling shall be completed within one (1) year of receiving the occupancy permit for that dwelling.
2. No automobile or truck shall be parked on such grass and/or ground cover in the front yard after the occupancy permit is issued.

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Article 7: Residential Districts

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Preamble The following districts shall be allowed within the Residential Districts: (Revised January 7, 2008)

“R-1” Single Family Residential	This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of eighty thousand (80,000) square feet per lot.
“R-2” Single Family Residential	This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of forty thousand (40,000) square feet per lot.
“R-3” Single Family Residential	This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of thirty thousand (30,000) square feet per lot.
“R-4” Single Family Residential	This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of twenty thousand (20,000) square feet per lot.
“R-5” Multiple Family Residential	This district has been established to provide for multiple family dwellings on a large tract and areas of open land with a minimum of twenty thousand (20,000) square feet per lot.

Section 1 Principal Permitted Uses

Land Use Type	R-1	R-2	R-3	R-4	R-5	Right of Way Width Required	Special Notes
Single Family Dwelling	P	P	P	P	P	Any	
Multi-Family Dwellings	N	N	N	N	P	Any	1
Public or Private Academic School	P	P	P	P	P	70	
Public Library	P	P	P	P	P	70	
Public Building	P	P	P	P	P	70	
Public Park	P	P	P	P	P	Any	
Nursery	C	C	C	C	C	70	
Day Care Center	C	C	C	C	C	70	
Pre-School Center	C	C	C	C	C	70	
Play and Special Schools	C	C	C	C	C	70	
Private Noncommercial Facilities	C	C	C	C	C	60	
Church	C	C	C	C	C	70	
Bed & Breakfast	C	C	C	C	C	70	
Telecommunications Tower	C	C	C	C	C	Any	2

(P)=Permitted Use (C)=Conditional Use (N)=Not Permitted

Special Notes

- (1.) See Development Standards for additional Multi-Family Requirements
- (2.) See Article 13, Section 27 Telecommunication Tower for applicable standards. (Revised December 18, 2017)

For all uses shown above with right of way requirements, the use shall only be permitted when the lot on which the use is to take place has frontage(s) on a public street(s) with a minimum right of way as listed. All vehicular access shall be directly from the roadway(s) having the minimum of right of way as listed. All right of way(s) are as indicated on the Official Thoroughfare Plan of Montgomery County.

Section 2 Permitted Conditional Uses and Regulations

- A. Bed and Breakfast facilities shall meet all the following conditions in addition to those outlined in Article 2 of this Resolution:
 - 1. Residential dwellings housing a bed and breakfast shall be forty (40) years or older;

2. The minimum lot size for a residential dwelling housing a bed and breakfast establishment shall be twenty-thousand (20,000) square feet;
3. Shall be a minimum of five-hundred (500) feet from another bed and breakfast establishment;
4. Shall be located on a collector street or higher classification as identified by the Montgomery County Engineer's office;
5. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated. Accessory buildings may be used for Bed and Breakfast activities;
6. The owner/operator of the bed and breakfast shall live full-time on the premises;
7. Only members of the family residing on the premises shall be engaged in such occupation. The establishment may include one (1) full-time equivalent employee in addition to any member of the family residing on the premises;
8. Shall have a maximum of three (3) double-occupancy guest rooms with no more than two (2) guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, "adult" means any person over the age of eighteen (18) years old;
9. The maximum length of stay for any guest is fourteen (14) consecutive days;
10. One (1) parking space for each guest room shall be provided; the location and screening of said places shall be determined by the Board of Zoning Appeals;
11. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such Bed and Breakfast residence other than one sign, not to exceed three (3) square feet in area with no illumination. Said sign shall be mounted flat against the wall of the principal building;
12. Displays of goods, products, services, or other advertising shall not be visible from outside the building;
13. On-premise retail sales shall not be a component of the bed and breakfast use;
14. Activities associated with the establishment shall be provided for overnight guests only;
15. Accessory structures and outdoor activities. Accessory structures may be utilized for guest accommodation purposes as part of a bed and breakfast inn use. The number of guest bedrooms in the accessory structure (s) shall not exceed the number of guest bedrooms in the principal structure. Such accessory structures shall have or shall be constructed to have architectural compatibility with the principal structure. Accessory structures used to accommodate the guests of bed and breakfast inn uses are not subject to the floor area limitations for accessory structures but shall not exceed 35 percent of the gross floor area of the principal structure and shall comply with the setback requirements for accessory structures unless such setback requirements are modified through the application of the flexible development standards provisions of this Code.

Passive recreation-related outdoor activities such as tee-time are allowed outside the principal structure or any accessory structure(s), but all other activities and functions designed to serve and entertain guests shall take place only within the principal structure.

- B. Telecommunications Tower. Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 3 Permitted Accessory Uses and Regulations

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, tool sheds, storage buildings or picnic shelters; provided that such accessory uses shall not involve the conduct of any business trade or industry (with the exception of legally permitted Home Occupation as defined in this Resolution).
- B. Accessory buildings or structures shall occupy no more than 35 percent of the rear yard.
- C. Permitted accessory uses and regulations are located in Article 13, Section 14 of this Resolution. (Revised December 15, 2014)

Section 4 Prohibited Accessory Uses (Revised January 7, 2008)

- A. Open storage of, but not limited to; junk, refuse, miscellaneous discarded items, inoperative items and equipment, inoperative or unlicensed motor vehicles, inoperative recreational equipment, auto parts, auto accessories, or inoperative appliances.

Section 5 Development Standards (Revised January 7, 2008)

In addition to the provisions of the General Regulations, the following standards for arrangement and development of land and building shall be required in the Residential Districts.

- A. Height Standards

Structure Type	Height Standard
Primary Structure	No structure shall exceed two and one half (2 ½) stories or thirty-five (35) feet, whichever is greater.
Accessory Structure	No accessory structure shall exceed the height of the primary structure or fifteen (15) feet in height, whichever is more restrictive.
Places of Public Assembly	Places of public assembly in churches and schools may exceed the maximum height permitted in this district, provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in this district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in this district.

- B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed except as defined in Open Space Transfer to Public Park in Article 13:

Land Use/Zoning District		Lot Area Requirement	Lot Frontage Requirement	Front Yard Depth	Each Side Yard	Rear Yard Depth
Single Family Districts	R-1	80,000 sf	200'	100'	40'	80'
	R-2	40,000 sf	150'	60'	20'	70'
	R-3	30,000 sf	125'	60'	15'	60'
	R-4	20,000 sf	110'	50'	15'	50'
Multi-Family District	R-5	20,000 sf	110'	50'	15'	50'
Other Uses in All Districts	Church	5 acres	300'	100'	60'	80'
	Schools	5 acres	300'	100'	60'	80'

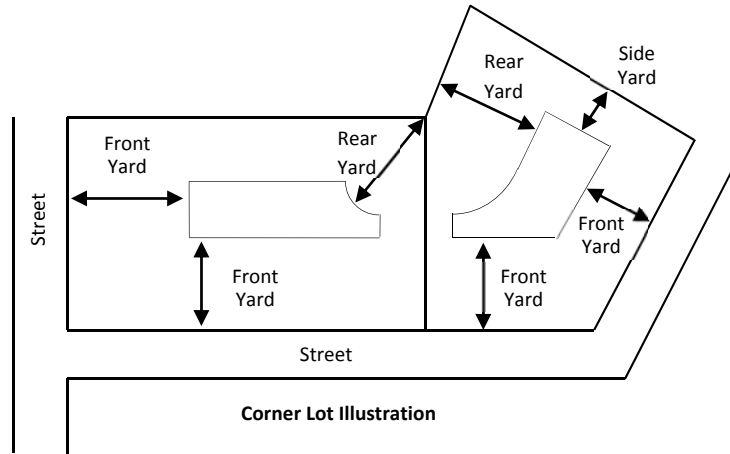
	Other permitted uses	80,000 sf	200'	100'	60'	80'
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The front yard depth shall be measured from the established right-of-way line(s) as shown on the Official Thoroughfare Plan for Montgomery County.

Except as otherwise provided herein, any non-residential building accessory to a dwelling and/or a private swimming pool may be located in the rear yard provided it conforms to the side yard requirements of the lot and is placed 5 feet or more from the rear lot line. However, if placed within the rear portion of the rear yard, then it may be located 5 feet or more from any lot line; provided each and every part of the accessory building and/or swimming pool is closer to the rear lot line than to any part of the main building.

C. Corner Lots

Any corner lot shall have two front yards of the required depth, two (2) or more side yards of the required width, and a rear yard of the required depth. If no lot line exists that may be deemed the rear lot line, then the required rear yard depth shall be measured from a point most distant from the front lot lines at which two (2) side lot lines intersect.



D. Decreased Front Yard

The minimum front yard depth may be decreased on any lot in an "R" District whenever:

1. There is a dwelling on each side and within one-hundred (100) feet of said lot on the same side of the street and in the same block, and;
2. The average depth of the front yards of said dwellings is less than the front yard required by this Resolution for the proposed use on such lot.

In such case the required front yard depth of such lot may be the same or greater than said average, but not less than the front yard depth of any dwelling on a lot immediately adjoining.

E. Increased Side Yard

In any "R" District the required minimum width of any side yard adjoining a "B" district shall be doubled.

F. Projections into Required Yards

Architectural features may project into required yards or into courts as follows:

1. Into any required front or side yard adjoining a side street:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.

- b. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 - c. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
 - d. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- 2. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
 - 3. Subject to the limitations in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

G. Frontage on Cul-De-Sac

The front lot line of a lot fronting on a cul-de-sac may be reduced to less than the minimum frontage required, provided the average width of the lot and the width of the lot at the building line is equal to or more than said required frontage.

H. Additional Requirements for Multi-Family

1. Exterior Building Materials

A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. Other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.

2. Lot Coverage

A maximum of four (4) dwelling units permitted per lot.

3. Landscaping

The minimum required landscaping shall be a yard landscaped with grass, evergreen ground cover or hardy shrubs, and also a row of deciduous shade trees each two (2) inches or more in diameter spaced not more than thirty-five (35) feet apart, located not more than twenty (20) feet from public right-of-way.

4. Dumpsters

Metal 'dumpster' trash containers of the type and size customarily found in conjunction with permitted two-family, multi-family, and business uses, if well screened from surrounding single-family residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting single-family residential lots.

Section 6 Recreational Facilities for Private Clubs, Planned Development or R-5 Developments (Revised January 7, 2008)

Required Conditions

- A. All swimming pools shall be a distance of at least two hundred (200) feet from all residential property lines. In the case of Residential "PD's", the swimming pool shall be at least two-hundred (200) feet from the exterior property lines of the development.
- B. Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted, if the use of same is for the occupants of the building only within which such equipment is installed and does not create a nuisance and disturb the peace of the other persons or properties in this or any other District.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property or upon any public street.

Section 7 Residential Entrance Gate Requirements

- A. Residential entrance gates and accessory fencing are permitted in residential areas provided:
 - 1. Gate is constructed of wrought iron or wrought iron "look alike" material. The space between the wrought iron must be open.
 - 2. The entrance gates, post and lighting may not exceed eight (8) feet in height. Landscaping and fencing must be placed outside the official thoroughfare plan right-of-way.
 - 3. If accessory fencing extending from the main gate is of wrought iron material, then the accessory fence and post height may be up to five (5) feet.
 - 4. Gate and fencing must meet the Washington Township Fire Department standards and may not create a traffic visibility hazard for adjoining roadways and properties.
 - 5. The minimum lot size shall be eighty-thousand (80,000) square feet with a minimum road frontage of two-hundred (200) feet.
 - 6. A zoning certificate is required for the gate and accessory fencing.

Section 8 Parking and Loading (Revised January 7, 2008)

Two (2) off-street residential parking spaces of one hundred eighty (180) sq. ft. each shall be required for each dwelling unit and shall be located wherever a principal building or accessory building is permitted, and an improved driveway (graded and preferably a hard surface of bituminous or Portland cement concrete), shall connect said parking space with a street. Any driveway giving access on a street with a right-of-way of seventy (70) feet or more shall include an off-street cul-de-sac or turn around. All other off-street parking and loading requirements shall conform to the General Regulations.

Section 9 Lighting (Revised January 7, 2008)

All lighting shall be designed as to prevent a glare at eye level on surrounding public or private property in an area used for residential purposes.

Section 10 Provisions affecting Area, Yards, and Courts (Revised January 7, 2008)

- A. Street Frontage Required

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel shall contain any building used in whole or in part for residential purpose unless the front line of such lot abuts fully on a dedicated street or an approved private street. Each lot shall meet the frontage requirements of the zoning district in which it is located.

B. Reduction and encroachment of open space

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution except as permitted under Open Space Transfer to the Park District, and, if already less than minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of yard, court, parking area or other space required under this Zoning Resolution, for another building or structure.

C. Lot of record

In any district where dwellings are permitted, a single family dwelling may be located on any lot of record as of the effective date of the Washington Township Zoning Resolution, irrespective of its area or dimensions, provided any one of the following conditions exist:

1. All front, side, and rear yard requirements of this Resolution are met.
2. A building permit for said dwelling has been properly granted by the Montgomery County Building Inspector prior to the enactment of this Resolution.
3. The Board of Zoning Appeals grants a variance in yard requirements.

D. Landscaping of yards in residential area

1. Grass and/or ground cover for any residential dwelling shall be completed within one (1) year of receiving the occupancy permit for that dwelling.
2. No automobile or truck shall be parked on such grass and/or ground cover in the front yard after the occupancy permit is issued.

Article 8

This Section intentionally left blank for future use.

Article 9: Office Districts

Office Residential Districts

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“O-2” Office District

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“O-3” Office District

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Office Residential Districts

Preamble These districts have been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the neighborhood and which shall not create or generate a great amount of traffic and noise.

Section 1 Principal Permitted Uses

- A. Any Single-Family Residential District. The requirements of that article shall be applicable.
- B. Barber and beauty shops provided:
 - 1. It is a one chair operation.
 - 2. The sole operator is the resident on the premises.
- C. Private Schools including nursery, day-care centers, pre-school centers, play and special schools.
- D. Professional services, such as:
Offices of physicians, surgeons, dentists, lawyers, architects, engineers, insurance and real estate agents and members of similar professions.
- E. Government facilities (Revised June 21, 1999)
- F. Telecommunications Tower. Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 2 Accessory Uses

- A. Refer to Article 13, Section 14 Accessory Use Standards of this Resolution for applicable accessory use permissions and standards. (Revised December 15, 2014)

Section 3 Development Standards

In addition to the provisions in General Regulations the following standard for arrangement and development of land and building are required in the "OR" Office Residential District.

- A. Height Standards
No building or structure shall exceed thirty-five (35) feet in height. (Revised June 21, 1999)

- A. Lot Area, Frontage, and Yard Requirements

Zoning District	Lot Area (in sq. ft.)	Lot Frontage	Yard Depth Requirement		
			Front*	Side	Rear
OR-1	80,000	200	100	40	80
OR-2	40,000	150	60	20	70
OR-3	30,000	125	60	15	60
OR-4	20,000	110	50	15	50

The front yard depth shall be measured from the established right-of-way line(s) as shown on the Official Thoroughfare Plan for Montgomery County.

Section 4 Required Conditions

No zoning certificate shall be issued for an "OR" use, until the applicant shall have certified to the Zoning Inspector that: (Revised June 21, 1999)

- A. Such buildings shall front onto a collector or arterial road with a right-of-way of sixty (60) feet or more as established on the Official Thoroughfare Plan for Montgomery County. (Revised August 5, 2002)
- B. The office establishment shall be conducted principally in daylight hours and shall not create a nuisance from noise, smoke or odor.
- C. No alteration of the principal residential building or structure shall be made which changes the essential appearance thereof as a dwelling. (Revised June 21, 1999)
- D. Off street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- E. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“O-2” Office District

Preamble This district has been established to provide for the location of office and institutional uses. It is designed to provide areas for the location and development of office uses which are subject to more restrictive controls on lot area coverage than required for similar uses in the "OR" District.

Section 5 Principal Permitted Uses

- A. Art galleries, libraries and museums.
- B. Artist, composer and sculptor studios.
- C. Banks and financial institutions.
- D. Libraries and reading rooms.
- E. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.
- F. Radio and television broadcasting studios.
- G. School and educational services.
- H. Data processing centers.
- I. Medical offices, dental offices, and counseling services.
- J. Medical & dental clinics.
- K. Nursing homes, rest homes, and convalescent centers.
- L. Veterinarian offices provided that:
 - 1. Offices shall be enclosed in a completely enclosed and soundproof building.
 - 2. Services will be on a strictly "outpatient basis" with no raising, breeding and boarding of dogs or other small animals, except for the confinement of small animals under emergency treatment in facilities within the office.
- M. Funeral homes.
- N. Government facilities. (Revised June 21, 1999)
- O. Telecommunications Tower. Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 6 Accessory Uses

- A. Refer to Article 13, Section 14 Accessory Use Standards of this Resolution for applicable accessory use permissions and standards. (Revised December 15, 2014)

Section 7 Conditional Uses

The following Conditional Uses are subject to approval in accordance with the procedures for obtaining a Conditional Use Certificate.

- A. Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops, but only:
 - 1. When located entirely within a building or structure containing primarily the principal uses permitted in this district.
 - 2. With access for the public provided only through the lobby.
- B. Testing, research and development facilities which are compatible with the other permitted uses. (Revised June 21, 1999)

Section 8 Development Standards

In addition to the provisions in General Regulations if an "O-2" District abuts an "R" District (including a "PD" District), the "R" District's rear yard which abuts shall be the minimum side yard or rear yard of the "O-2" District or one (1) foot of side and/or rear yard shall be required for the every one (1) foot of building height in the "O-2" District whichever is greater.

No structure shall exceed forty-four (44) feet in height.

- A. Lot Area, Frontage, and Yard Requirements

Table O2-1

Zoning District	Lot Area (in sq. ft.)	Lot Frontage	Yard Depth Requirement		
			Front*	Side	Rear
O-2	20,000	110	60	15	50

*The front yard depth shall be measured from the established right-of-way line(s) as shown on the Official Thoroughfare Plan for Montgomery County.

Section 9 Required Conditions

- A. Landscape Buffer Strip as per General Regulations, Article 13.
- B. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- C. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container.
- D. A development plan as regulated by Article 12 of this Resolution shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- E. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be

submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)

- F. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- G. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- H. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. Such space shall be reserved for landscaping. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- I. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“O-3” Office District

Preamble

This district has been established to provide for the location of office and institutional uses which serve the total urban area market. This District is restricted to major traffic arterials and to areas in close approximation to expressways. It is anticipated that this District will be an office park-like development.

Section 10

Principal Permitted Uses

- A. Art galleries, libraries and museums.
- B. Artist, composer and sculptor studios.
- C. Banks and financial institutions.
- D. Libraries and reading rooms.
- E. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.
- F. Medical and dental offices.
- G. Radio and television broadcasting studios.
- H. School and educational services.
- I. Hotels/Motels.
- J. Convention centers.
- K. Parking garages.
- L. Government facilities. (Revised June 21, 1999)
- M. Telecommunications Tower. Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 11

Accessory Uses

- A. Refer to Article 13, Section 14 Accessory Use Standards of this Resolution for applicable accessory use permissions and standards.

Section 12

Conditional Uses

The following Conditional Uses are subject to approval in accordance with the procedures for obtaining a Conditional Use Certificate.

- A. Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops:
 - 1. When located entirely within a building or structure containing primarily a principal use or uses permitted in this District.
 - 2. With access for the public provided through the lobby.
- B. Hospitals with special emphasis upon the proposed ingress/egress for the property.
- C. Testing, research and development facilities which are compatible with the other permitted uses. (Revised June 21, 1999)

Section 13 Development Standards

In addition to the provisions in General Regulations the following standards for arrangement and development of land and building are required in the "O-3" Office District.

A. Height Regulations

No building or structure shall exceed forty-eight (48) feet in height. (Revised July 17, 2006)

B. Lot Area, Frontage, and Yard Requirements

In addition to the provisions in General Regulations, if an "O-3" District abuts an "R" District (including a "PD" District), the "R" District's rear yard which abuts shall be the minimum side yard or rear yard of the "O-3" district or one (1) foot of side and/or rear yard shall be required for the every one (1) foot of building height in the "O-3" District, whichever is greater. The following minimum requirements shall be observed:

Table O3-1

Zoning District	Lot Area (in sq. ft.)	Lot Frontage	Yard Depth Requirement		
			Front	Side	Rear
O-3	None	None	60*	25*	50*

*Or one (1) foot of front, side, or rear yard for one (1) foot of building height (at its highest point) whichever is greater.

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Section 14 Required Conditions

- A. Landscape Buffer strip as per General Regulations, Article 13.
- B. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- C. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container.
- D. A development plan, as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- E. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth

tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)

- F. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- G. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- H. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- I. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

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Article 10: Business Districts

“B-1” Business District Shopping Center

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“B-2” Business District

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“B-3” Business District

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“B-4” Business District

Section 16 Principal Permitted Uses	13
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“B-1” Business District Shopping Center

Preamble This district shall only be permitted where the parcel fronts along State Route 48 or State Route 725. (Revised August 5, 2002)

Section 1 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair) completely within an enclosed building.
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- F. Sexually-Oriented Businesses. (see Article 13)
- G. Internet Sweepstakes Café (See Article 13, Section 28 for additional Requirements)
- H. Day Care Centers.
- I. Institutional. Uses providing social, cultural and educational services.
- J. Hotel/Motel.
- K. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)
- L. Communication Centers. Uses for the transmission/reception of information by electronic means.
- M. Government facilities. Uses owned or operated by federal, state or local government.
- N. Telecommunications Tower (see Note #2)

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Note #2 - Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 2 Accessory Uses

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 3 Conditional Uses

The following uses and their customary accessory buildings, structures or uses, subject to the approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and

requirements:

1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.
 2. The area shall be under the control of the eating and drinking establishment owner/operator.
 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 4. Be in compliance with all applicable building and fire codes.
 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 6. No food preparation or cooking facilities, including grills, shall be permitted.
 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 8. Amplified sounds are prohibited.
 9. Live entertainment is prohibited.
 10. Banners are prohibited.
 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.
 12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
 13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
 14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
 15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
 16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.
- C. Other Commercial – Other commercial or retail uses that are conducted completely within an enclosed building not otherwise classified.

Section 4 Development Standards

No building or structure shall be created or structurally altered except in accordance with the following regulations: (Revised June 21, 1999)

- A. Minimum Aggregate Site Area - Five (5) acres. (In the case of this zone, more than one principal building or structure, as defined herein, may be permitted to be constructed within the minimum building site area.) (Revised June 21, 1999)
- B. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards.

- C. No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

Section 5 Required Conditions

No zoning certificate shall be issued for a "B-1" use, until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)
- D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- I. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- L. Landscape Buffer Strip as per General Regulations, Article 13.
- M. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- N. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.

- O. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined sq. ft.	Distance
0 - 24,999	n/a
25,000 - 49,999	25 ft.
50,000 - 74,999	50 ft.
75,000 - 100,000	75 ft.

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-2” Business District

Section 6 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.
- F. Day Care Centers.

- G. Institutional. Uses providing social, cultural and educational services.
- H. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)
- I. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- J. Government facilities. Uses owned or operated by federal, state or local government.
- K. Telecommunications Tower. (see Note #2)

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Note #2 - Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 7 Accessory Uses

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 8 Conditional Uses (Revised September 12, 2011)

The following uses and their customary accessory buildings, structures or uses, subject to the approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and requirements:
 - 1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.
 - 2. The area shall be under the control of the eating and drinking establishment owner/operator.
 - 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 - 4. Be in compliance with all applicable building and fire codes.
 - 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 - 6. No food preparation or cooking facilities, including grills, shall be permitted.
 - 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 - 8. Amplified sounds are prohibited.
 - 9. Live entertainment is prohibited.
 - 10. Banners are prohibited.
 - 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.

12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.

C. Storage Facilities (Store & Lock)

Section 9 Development Standards

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-2" Business District.

A. Height Regulations

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:

None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, whichever is greater. (Revised January 8, 2001)

2. Rear Yard:

None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, whichever is greater. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Section 10 Required Conditions

No zoning certificate shall be issued for a "B-2" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity shall be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)
- D. No manufacturing, processing, packaging, repair or treatment of goods, shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- H. Landscape Buffer Strip as per General Regulations, Article 13.
- I. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- J. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- K. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- L. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- M. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- N. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. The number of employees working within a dry cleaner at any one time shall not exceed a total of ten (10). (Revised June 21, 1999)

- Q. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- R. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'
50,000 - 74,999	50'
75,000 - 100,000	75'

- S. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- T. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- U. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- V. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- W. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-3” Business District

Section 11 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.
- F. Child Daycare Centers.
- G. Institutional. Uses providing social, cultural and educational services.
- H. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)

- I. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- J. Hotel/Motel
- K. Government facilities. Uses owned or operated by federal, state or local government.
- L. Telecommunications Tower. (See Note #2)

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Note #2 - Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 12 **Accessory Uses**

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 13 **Conditional Uses** (Revised September 12, 2011)

The following uses and their customary accessory buildings, structures or uses, subject to approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and requirements:
 - 1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.
 - 2. The area shall be under the control of the eating and drinking establishment owner/operator.
 - 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 - 4. Be in compliance with all applicable building and fire codes.
 - 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 - 6. No food preparation or cooking facilities, including grills, shall be permitted.
 - 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 - 8. Amplified sounds are prohibited.
 - 9. Live entertainment is prohibited.
 - 10. Banners are prohibited.
 - 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.
 - 12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No

plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.

13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.

Section 14 Development Standards

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-3" Business District.

A. Height Regulations

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:

None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot line adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District. (Revised January 8, 2001)

2. Rear Yard:

None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Section 15 Required Conditions

No zoning certificate shall be issued for a "B-3" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)

- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. No manufacturing, processing, packaging, repair or treatment of goods, shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- E. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted. (Revised August 5, 2002)
- G. Landscape Buffer Strip as per General Regulations, Article 13.
- H. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- J. A final development plan as regulated by Article 12 of this Resolution shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- K. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- L. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- M. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- N. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'

50,000 - 74,999	50'
75,000 - 100,000	75'

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent building, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-4” Business District

Section 16 Principal Permitted Uses

- A. All activity except display and sales shall be conducted entirely within an enclosed structure. (Revised August 5, 2002)
 - 1. Agricultural implement sales and service.
 - 2. Automobiles and truck sales, new and used (elevated stands used for the display of an automobile or truck shall be prohibited).
 - 3. Boat and marine equipment sales, rental and service.
 - 4. Eating places (drive-in).
 - 5. Garden stores, garden centers, greenhouses and nurseries.
 - 6. Motorcycle sales and service.
 - 7. Utility trailer sales and rentals.
- B. Outdoor recreation (non-enclosed places of recreation or amusement not heretofore appearing as a permitted use).
- C. Government facilities. Uses owned or operated by federal, state or local government. (Revised August 5, 2002)
- D. Telecommunications Tower. (see Note #1)

Note #1 - Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)

Section 17 Accessory Uses (Revised December 15, 2014)

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution.

Section 18 Development Standards

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-4" Business District.

A. Height Regulations

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:

None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the side lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)

2. Rear Yard:

None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the rear lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Section 19 Required Conditions

No zoning certificate shall be issued for a "B-4" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. Drive-in windows for pick-up or delivery shall be located on and accessible only from the premises and shall be provided with adequate driveway space for waiting vehicles.
- B. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- D. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- E. Landscape Buffer Strip as per General Regulations, Article 13.
- F. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- G. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- H. A final development plan as regulated by Article 12 of this Resolution shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)

- I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- J. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- K. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- L. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- M. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- N. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'
50,000 - 74,999	50'
75,000 - 100,000	75'

- O. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- P. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- Q. Dumpsters and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- R. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- S. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

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Article 11: Light Industrial District

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Section 1 Principal Permitted Uses

- A. The following activities: (Revised August 5, 2002)
 - 1. The manufacturing or assembling of the following:
 - a. Medical, dental, optical and similar precision instruments
 - b. Musical instruments
 - c. Novelties, toys, rubber products
 - d. Orthopedic or medical appliances
 - e. Watches, clocks, including clock operated devices
- B. Machine shops and tool and die shops
- C. Manufacturing, assembling or repairing of electrical and electronic products, components and equipment
- D. Compounding, processing and packaging chemical products, but not including any materials which decompose by detonation
- E. Automobile service stations which meet the Required Conditions for the "B-2" District
- F. Awning Company
- G. Bakeries, wholesale
- H. Beverage distributors
- I. Carpet and rug cleaning plants
- J. Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers
- K. Credit unions
- L. Electric Supply Company
- M. Equipment rental, sales and service, including automobiles, trucks and trailers
- N. Fence Company
- O. Glass distributors
- P. Indoor Recreation (must be 200 feet from Residential District)
- Q. Labor union meeting halls
- R. Laundries, dry cleaning plants and linen supply
- S. Monument sales and finishing
- T. Offices
- U. Printing, publishing, binding and typesetting plants
- V. Research and engineering laboratories
- W. Service clubs
- X. Sexually Oriented Business (subject to provisions of Article 13) (Revised February 12, 2001)
- Y. Sign painting and manufacturing
- Z. Telecommunications Tower. Refer to Article 13, Section 27 of this resolution for applicable telecommunication tower standards. (Revised December 18, 2017)
- AA. Warehouses

Section 2 Conditional Uses (Revised February 12, 2001)

The following Conditional Uses are subject to approval in accordance with the procedures for obtaining a Conditional Use Certificate.

- A. Extraction of minerals
- B. Truck terminals, wholesale houses and storage facilities
- C. Mail order house

Section 3 Special Permitted Uses

The following industrial activities are permitted when located on a property bordered on all sides by land zoned "I-1" Light Industrial. These industrial activities must be buffered from all zoning classifications, except "I-1", by a minimum distance of five-hundred (500) feet.

- A. The manufacturing, compounding, assembling or treatment (or any combination of such processes) or articles or products from the following previously prepared materials:
 - 1. Light metal products, excluding structural steel and foundry products.
 - 2. Pharmaceutical products, including cosmetics, toiletries and the compounding of perfumes, but excluding the manufacturing of soap from raw materials.
- B. Any industrial activity, such as those enumerated below:
 - 1. Bus garages, repair storage.
 - 2. Cement block and formed products manufacturing.
 - 3. Wholesale building material sales and storage facilities.
 - 4. Cold storage plants
 - 5. Contractor sales, storage and equipment yards but excluding salvage material or debris.

Section 4 Accessory Uses

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 5 Development Standards

In addition to provisions of the General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-1" Light Industrial District.

- A. Height Restrictions
No structure shall exceed sixty (60) feet in height.
- B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

District Area	Lot Frontage	Front Yard Depth
5 Acres	None	40'

- 1. Side Yard

A side yard of 15 feet shall be required except when adjacent to another District, then a buffer is required as described in Required Conditions for an "I-1" Light Industrial District, plus 15 feet.

2. Rear Yard

A rear yard of forty (40) feet shall be required except when adjacent to another District, then a buffer is required as described in Required Conditions for a "I-1" Light Industrial District, plus forty (40) feet.

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County, or the front property line as determined by the Zoning Inspector.

Section 6 Required Conditions

No zoning certificate shall be issued for an "I-1" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The industrial activity will be conducted wholly within a completely enclosed building, except for automobile service stations; equipment rental, sales and service, including automobiles, trucks and trailers; truck and motor freight terminals and hauling services.
- B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of the Noise Resolution.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- E. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.
- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- G. Landscape Buffer Strip as per General Regulations, Article 13.
- H. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container.
- J. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in a Residential District or upon any public street.
- K. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- L. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastic, textiles, leather or paper.

- M. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- N. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
 - 1. The applicable regulations of the Nuclear Regulatory Commission.
 - 2. The applicable regulations of any instrumentality of the State of Ohio.

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Article 12: Planned Development

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Purpose

This Article is intended to permit the creation of Planned Development Districts. This district has been established for the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds, non-residential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development. Such regulations need not be uniform, but may vary in order to promote the public health, safety and morals. (Revised June 21, 1999)

Section 1 Types of Planned Development Districts

PD-R	Planned Development Residential	PD-B1	Planned Development Business 1
PD-RM	Planned Development Residential Multi-Family	PD-B2	Planned Development Business 2
PD-RC	Planned Development Residential Conservation	PD-B3	Planned Development Business 3
PD-O	Planned Development Office	PD-B4	Planned Development Business 4
PD-OR	Planned Development Office Residential	PD-I	Planned Development Industrial
PD-O2	Planned Development Office 2	PD-T	Planned Development Transition
PD-O3	Planned Development Office 3	PD-MU	Planned Development Mixed Use
PD-B	Planned Development Business		

The regulations set forth in this Article qualify or supplement the regulations appearing elsewhere in this Resolution.

Section 2 Standards for Planned Development

The Township Trustees, when considering a final development plan, shall make specific findings of fact directly based upon the particular evidence presented to them, which support conclusions that: (Revised June 21, 1999)

- A. The development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- B. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents, occupants and invitees of the proposed development. (Revised June 21, 1999)
- C. The development will not impose an undue burden on public service and facilities such as fire and police protection.
- D. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably required for the public health, safety and welfare.
- E. The location and arrangement of buildings or structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with land uses within a 250 feet radius of the buildings or structures of the "PD" District, and any part of a "PD" District not used for buildings or structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved in accordance with the general regulations of this resolution. (Revised June 21, 1999)
- F. When business or industrial buildings or structures or uses in a "PD" District abut an "R" District, screening shall be provided. In no event shall a building or structure housing a business or industrial use in a "PD" District be located nearer than the required setback in the appropriate business or industrial zone. (Revised June 21, 1999)

Section 3 Pre-Application Consultation

A developer is encouraged to engage in informal consultations with the Development Services Department prior to the filing of any application; however, no statement or representation by such employee shall be binding on either the Zoning Commission or the Township Trustees. (Revised June 21, 1999)

Section 4 Zoning Certificate

No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property. (Revised June 21, 1999)

Section 5 Submission of Pre-Development Plan

Ten (10) copies of a Pre-Development Plan and one (1) 8 1/2" x 11" copy of the Pre-Development Plan shall be submitted with the application and shall include in text and map form:

- A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features. Significant environmental features such as designated floodway/floodplain areas, water courses, wetlands, steep slopes, mature trees shall be noted on this survey. (Revised January 7, 2008)
- B. A pre-development site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and amount of buildable area within each lot. Included on this site plan, the location and arrangement of the proposed parks, playgrounds, school sites, recreational facilities, and the points of ingress and egress of the Development including access to streets where required. (Revised June 21, 1999)
- C. Evidence that the applicant has the consent of the owner to submit the pre-development plan; has sufficient control over the tract to complete the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed "PD" District Development. (Revised June 21, 1999)
- D. In the case of an Office, Business or Industrial "PD" District, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development, their approximate location and intensity of development.
- E. A statement of the density of the various Residential uses within the development, when applicable, the proposed total gross floor area which is to be occupied by buildings or structures. (Revised June 21, 1999)
- F. A statement describing the provision that is to be made for the care and maintenance of open space or recreational facilities.
- G. Any other information required by the Zoning Commission or Board of Trustees. (Revised June 21, 1999)

Section 6 Procedure for Approval of Pre-Development Plan (Revised June 21, 1999)

- A. Washington Township's staff shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted.
- B. The application for approval for the pre-development plan shall be in accordance with Article 4 of this Resolution.

- C. If the application is granted, the area of land involved shall be redesignated to one of the districts as set forth in Article 12, Section 1 by resolution and such resolution shall incorporate the Pre-Development Plan, including any condition or restriction that may be imposed by the Township Trustees.

Section 7 Submission of Final Development Plan in Accordance with an Approved Pre-Development Plan

A Final Development Plan may be filed for any portion of an approved Pre-Development Plan the applicant wishes to develop and it shall conform to the approved Pre-Development Plan. Ten (10) copies of the Final Development Plan and one (1) 8 1/2" x 11" copy of the final Development Plan shall be submitted and shall include in text and map form:

- A. A site plan showing the location and arrangement of all existing and proposed buildings or structures, the proposed traffic circulation pattern within the development, landscaping, the areas to be developed for parking, the points of ingress, and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities. (Revised June 21, 1999)
- B. A statement of the density of Residential uses within the development. (Revised December 15, 2014)
- C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures. (Revised December 15, 2014)
- D. Architectural drawings of the proposed buildings or structures, including landscaping details, with sufficient detail to determine colors and percentage of materials being used on exterior elevations. The applicant shall provide color and material samples of proposed exterior walls. (Revised December 15, 2014)
- E. Sketches of proposed structures and landscaping. (Revised December 15, 2014)
- F. A stormwater management plan for the site. The grading plan shall show existing and proposed ground elevations with contours (one-foot contour interval) and spot elevations at significant high points, low points, and transition points. The grading plan shall also note the finished ground floor elevations of all buildings. The plan shall show the locations of all storm drainage sewers and structures, and infiltration or detention/retention structures; and all wetlands on the site, including copies of documents completed in making the wetlands identification. (Revised January 7, 2008)
- G. Detailed, four-sided elevations of all proposed commercial and/or office buildings and typical elevations of residential buildings. Scaled elevations should identify all signs, building materials and percentage of ground floor facade in windows; the location, height and material for screening walls and fences, including outdoor trash storage areas, electrical, mechanical and gas metering equipment, storage areas for trash and recyclable materials, and rooftop equipment. (Revised December 15, 2014)
- H. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty percent (20%) the density of the entire Planned Development. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- I. Evidence that the applicant has the consent of the owner to submit the final development plan; has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed "PD" District Development. (Revised June 21, 1999)

- J. In addition to the final site plan, in the case of an Office, Business or Industrial Planned Development, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.
- K. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- L. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
- M. Any other information required by the Zoning Commission or Board of Trustees.^(Revised June 21, 1999)
- N. The Board of Trustees may approve a plan which temporarily reduces the amount of required parking by setting aside an area as green space provided that:
 - 1. The green space set aside is to be used as future parking and related landscaping.
 - 2. No green space set aside for parking may be used for drainage purposes.
 - 3. The drainage plan for the entire development is to be designed based on the fully developed parking lot, including the set aside green space.
 - 4. The temporary reduction of the parking area shall not impose a burden on any use within the proposed development or adjacent property. The owner shall provide statements and provisions to install additional parking when needed.
 - 5. Landscaping within the green space shall not be removed with the construction of a future parking lot unless approved by the Trustees.^(Revised June 21, 1999)

Section 8 Procedure for Approval of Final Development Plan with Approved Pre-Development Plan

- A. Washington Township's staff shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability and conformance to approved Pre-Development Plan.
- B. The Zoning Commission shall hold a public meeting on the proposed Final Development Plan. All residents within 500 feet of the project shall be notified.
- C. Recommendations by the Zoning Commission shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Final Development Plan.^(Revised June 21, 1999)
- D. At a public meeting the Township Trustees shall evaluate the Zoning Commission's recommendation on the Final Development Plan to consider all aspects thereof and determine whether or not it is in accord with the approved Pre-Development Plan. The Township Trustees shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. The Township Trustees shall make specific findings of fact as required by Article 12, Section 2 of this Resolution. If the Plan is approved, the Planned Development District to which the Final Development Plan applies shall be developed in accordance with the plan and any conditions or restrictions that may be imposed by the Township Trustees. Upon approval by the Township Trustees, the Final Development Plan will go into immediate effect.^(Revised June 21, 1999)

Section 9 Extension of Time or Modification

An approved Pre-Development or Final Development Plan may be amended by following the procedures described in this Article. However, minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Township Trustees. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. The Trustees shall approve all minor adjustments.

Section 10 Design Flexibility

The Zoning Commission may recommend waiving or modifying any of the required conditions of the zoning district under consideration. (Revised January 7, 2008)

“PD-R” Planned Development Residential District

Section 11 Principal Permitted Uses

- A. Residential use development in a unified manner, as proposed by the purpose of Article 12, permitting the establishment of green space for a variety of uses inside and/or outside a development for the benefit of the future residents of the development while maintaining the balance of green space to dwelling unit density in the unincorporated area of Washington Township, all in accordance with the approved Development Plan. (Revised June 21, 1999)
- B. Uses permitted in any Residential District.
- C. Convenience establishments may be permitted if specifically approved as part of the Plan, provided that the areas and buildings or structures occupied shall be so located and designed as to protect the character of the surrounding property, and provided further that convenience establishments shall be subject to additional requirements as herein specified: (Revised June 21, 1999)
 - 1. Convenience establishments.
 - a. Such establishments and their parking areas shall not occupy more than five (5%) percent of the total area of the development.
 - b. Such establishments shall be so located, designed and operated as to serve primarily the needs of persons within the Development Plan and not persons residing elsewhere.
 - c. Off-street parking and loading requirements shall be appropriated to the particular case based upon the types of convenience establishments permitted and the anticipated proportion of walk-in trade. Multiple use of off-street parking and service areas and accessways for convenience establishments may be permitted, if such multiple use will not lead to congestion or the creation of hazards to pedestrian vehicular traffic.

Section 12 Development Standards

- A. (Single-Family) PD-R. A single family residential "PD" development shall meet those established setback requirements, minimum lot or open space, height regulations, minimum rear and minimum side yard of the abutting zone on the perimeter buildings of the project.

However, "R-4" district standards shall be observed as a minimum on perimeter buildings and on structures. (Revised June 21, 1999)

- B. Where a public park is proposed by a public park authority within the area of a single-family project or where a public park is proposed outside the area of a single-family project to serve the future residents of the project and the developer of the project elects to provide 5% or more of the project's gross area in open space for the public park under the provisions of Article 13, Section 23, or where the developer elects to provide 5% or more private common open space within the project under the provisions of Article 12, Sections 8 and 10, then the buildings or structures built on the interior of the project shall have flexibility as to layout, and there shall be no minimum lot size, however, the maximum density of Article 12, Section 12D shall apply, except that if the public open space is provided outside the project the maximum density of the project shall be increased 5% and shall be one point eight four (1.84) dwelling units per gross acre. (Revised August 5, 2002)
- C. Planned Development Residential (Multi-Family) PD-RM. Multi-family residential "PD" buildings or structures shall meet those established setback requirements, general area, height regulations, minimum rear and minimum side yard requirements of the abutting zone on the perimeter buildings or structures of the project. However, "R-5" district standards shall be observed as a minimum on perimeter buildings or structures. Nothing in this paragraph is intended to set a minimum lot size. (Revised June 21, 1999)
- D. Buildings or structures built on the interior of the project shall have flexibility as to layout. Minimum distance between buildings or structures shall be 20 feet with an average for the entire project of 30 feet between buildings or structures and there shall be no minimum lot size; however the maximum density of Article 12, Section 12D shall apply. Note: If this minimum cannot be met, it must be noted on the development plan and an explanation provided. (Revised August 5, 2002)

Exterior materials for single family buildings shall be comprised of a minimum of 50 percent masonry product such as brick or stone. Multi-family buildings shall be comprised of a minimum of 65 percent masonry product such as brick or stone. Natural and durable materials may be utilized on the remaining portions of the building facades. The use of vinyl siding as an exterior finish is heavily discouraged. (Revised December 15, 2014)

- E. Maximum density for single family development shall be one point seventy-five (1.75) dwelling units per gross acre and maximum density for multi-family development shall be six (6) dwelling units per gross acre, except as otherwise provided by this Section and by Article 13, Section 23. (Revised June 21, 1999)
- F. The final development plan required by Article 12, Planned Development, shall be prepared in conformance with the above and in conformance with the Article 13, General Regulations. (Revised June 21, 1999)
- G. Accessory uses are in conformance with Article 13, Section 14 Permitted Accessory Uses and Standards. (Revised December 15, 2014)
- H. The minimum required landscaping for PD-RM shall be a yard landscaped with grass, evergreen ground cover or hardy shrubs, a row of deciduous shade trees each two (2) inches or more in diameter spaced not more than 35 feet apart, located not more than 20 feet from public right-of-way, and landscaping that meets the requirements of Article 13, Section 21 B 5. (Revised January 8, 2001)

Section 13 Required Conditions

- A. The regulations of any "PD" District shall be uniform throughout any one "PD-R" District and shall include but without limitation the following where applicable:
 - 1. Conditions of use

2. Public streets and sidewalks
 3. District buffer strips
 4. Parking and loading
 5. Height and area standards
 6. Lighting
 7. Landscaping
 8. Open space and provision for maintenance and/or neighborhood playground or public park as required in Article 13.
- B. The regulations of said "PD-R" District shall be finalized by the Board of Township Trustees at the time the district is established and, except as otherwise permitted in this section, shall be equal to the following:
1. Insofar as practicable: the regulations of the most restrictive district adjoining the proposed "PD-R" District, and;
 2. Any other more restrictive regulations which in the opinion of the Board of Township Trustees should apply.

Section 14 Parking and Loading

Off-street parking and loading spaces shall be required as set forth under the General Regulations and Off-Street Loading Areas.

“PD-RC” Planned Development Residential Conservation District

Section 15 Purpose

The primary objective of Planned Residential Conservation District (PD-RC) is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while allowing the number of residential dwelling units that are permitted under the existing conventional zoning for the property.

Section 16 Principal Permitted Uses

The following uses shall be permitted based on the type of development proposed:

- A. Detached single-family dwellings;
- B. Single-family cluster dwellings;
- C. Single-family attached dwellings;
- D. Recreation facilities for use by residents;
- E. Restricted open space as required in Section 6;
- F. Conservation easement as approved by the trustees;
- G. Agricultural uses permitted in Article 6, Agricultural District

Section 17 Permitted Building and Lot Types

Each conservation development should contain a mixture of housing types to provide diverse housing options. Differing building and lot types may be placed back-to-back, on a single block to provide transitions between lot types. Lot types should be selected to provide buildings of like

scale and massing on opposite sides of the street. The following building and lot types shall be permitted and are further illustrated in Exhibits 1 thru 6:

- A. Estate House and Lot
- B. Manor House and Lot
- C. Single-Family House and Lot
- D. Cottage House and Lot
- E. Sideyard House and Lot
- F. Attached Single-Family Lot

Section 18 Minimum Project Area for Conservation Development

The gross area of tract of land proposed for development according to the conservation development option shall be a minimum of ten (10) acres, but shall not include area within any existing public street rights-of-way.

Section 19 Permitted Density/Restricted Open Space

- A. The overall density shall be calculated on the basis of the overall parcel size.
- B. The minimum restricted open space shall be forty percent (40%) of the total project area.
- C. The maximum permitted density shall not exceed two (2.0) dwelling units per acre. The maximum number of dwelling units permitted in a conservation development shall be calculated by:
 - 1. Deducting the following from the total project area:
 - a. Any public right-of-way within the project boundary existing at the time of the development plan is submitted; and
 - b. The area of land within a floodway, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in Section 6. Where floodways and wetlands overlap, they shall be counted only once.
 - 2. Multiplying the result of this subsection by the maximum density permitted per acre as set forth in this Section.

Section 20 Regulations for Restricted Open Space

- A. The restricted open space shall comply with the following:
 - 1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
 - 2. Areas designated for restricted open space purposes may be:
 - a. Preserved in its natural state;
 - b. Designed and intended for the use and/or enjoyment of residents of the proposed development; and
 - c. Utilized for farming when authorized in a conservation easement or in the Association.
 - 3. Restricted open space shall be interconnected with open space areas on abutting parcels.
 - 4. Stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located,

easements shall be established to require and enable maintenance of such facilities by the appropriate parties.

5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space areas:
 - a. Private roads and public road rights-of-way;
 - b. Parking areas, accessways, and driveways;
 - c. Required setbacks between buildings, parking areas, and project boundaries;
 - d. Required setbacks between buildings and streets;
 - e. Minimum spacing between buildings, and between buildings and parking areas;
 - f. Private yards;
 - g. A minimum of fifteen (15) feet between buildings and restricted open space; and
 - h. Other small fragmented or isolated open space areas that have a dimension less than one-hundred (100) feet in any direction.
 6. Any restricted open space devoted to recreational activities shall be of a usable size and shape for intended purposes.
 7. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
 8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
- B. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the township's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Montgomery County, Ohio.
- C. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space in a conservation development may be owned by an association, park district, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.
1. Offer of Dedication: The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.
 2. Associations: Restricted open space may be held by the individual members of a condominium association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other legal entity. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - a. Membership in such association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b. The association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
 3. Transfer of Conservation Easements. With the permission of the Township, the owner(s) of the common open space may, in accordance with the provisions of ORC §5301.67-70,

grant a conservation easement to any of the entities listed in ORC S 5301.68, provided that:

- a. The entity is acceptable to the Township;
 - b. The provisions of the conservation easement are acceptable to the Township; and
 - c. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC Section 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Private Ownership of Restricted Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

Section 21 Development Standards

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

- A. Ownership. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.
- B. Lot Requirements:
 1. Units are not required to be on individual lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
 2. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.
- C. Perimeter Building Regulations
 1. The minimum setback from an existing public street right-of-way shall be seventy-five (75) feet.
 2. The minimum setback from the project boundary shall be seventy-five (75) feet.
- D. Interior Building Setback/Spacing Regulations
 1. The minimum setback from a proposed local public right-of-way shall be twenty-five (25) feet.
 2. The minimum setback from the edge of the pavement of a private street shall be twenty-five (25) feet.
 3. The minimum separation between dwellings shall be twenty (20) feet.
- E. Height. The maximum building height shall be two (2) stories or thirty (30) feet. Attic space that is habitable with dormer windows is not considered a third story.
- F. Resource Protection Regulations

1. Floodway Protection. All structures or land within a floodway shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below.
 - a. Agriculture;
 - b. Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.
 - c. Fencing, as defined by the Federal Emergency Management Agency (FEMA) that allows the passage of water.
 - d. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.
 2. Wetlands Protection. Wetlands that are required by the Army Corp of Engineers of the Ohio EPA to be retained shall be protected by the following:
 - a. A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
 - b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated wetland.
 3. Conservation of Riparian Zones:
 - a. A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank.
 - b. Walkways may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.
- G. General Street Design Criteria
1. Street alignments should follow natural contours and be designed to conserve natural features.
 2. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
 3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- H. Architectural Standards. All residential dwellings, of any type, shall be constructed with exterior building materials and finishes of high quality, permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board & batten siding, articulated architectural concrete masonry units and similar durable architectural materials are allowed.
- I. Pedestrian Circulation Systems
1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
 2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

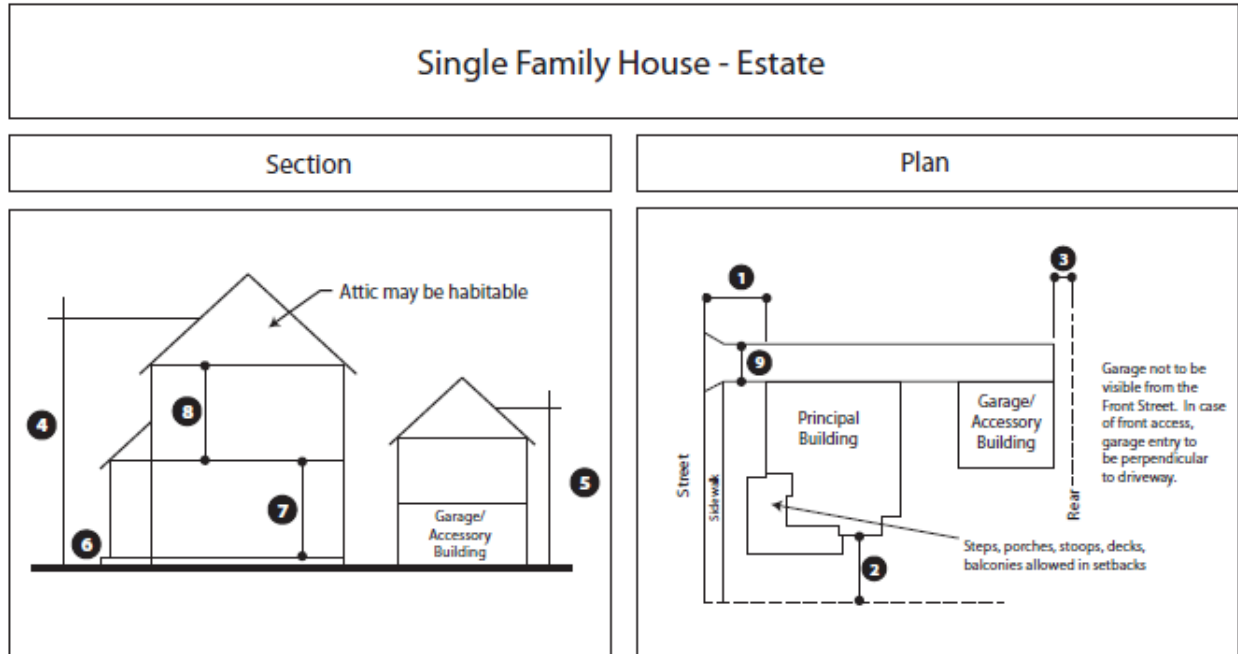
- J. Sewage Disposal. Development shall be served by public sewage consistent with the pertinent Montgomery County requirements.
- K. Waivers. In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Zoning Commission may modify such standard to an extent deemed just and proper, provided that the granting of such modifications shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

Section 22 Development Design Criteria

In addition to the development and site planning standards set forth in Section 7, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

- A. Conservation of Sloping Land. The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- B. Conservation of Woodlands, Vegetation, and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
- C. Conservation of Wildlife Habitats. Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
- D. Conservation of Prime Farmland. Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
- E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
- F. Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Exhibit 1

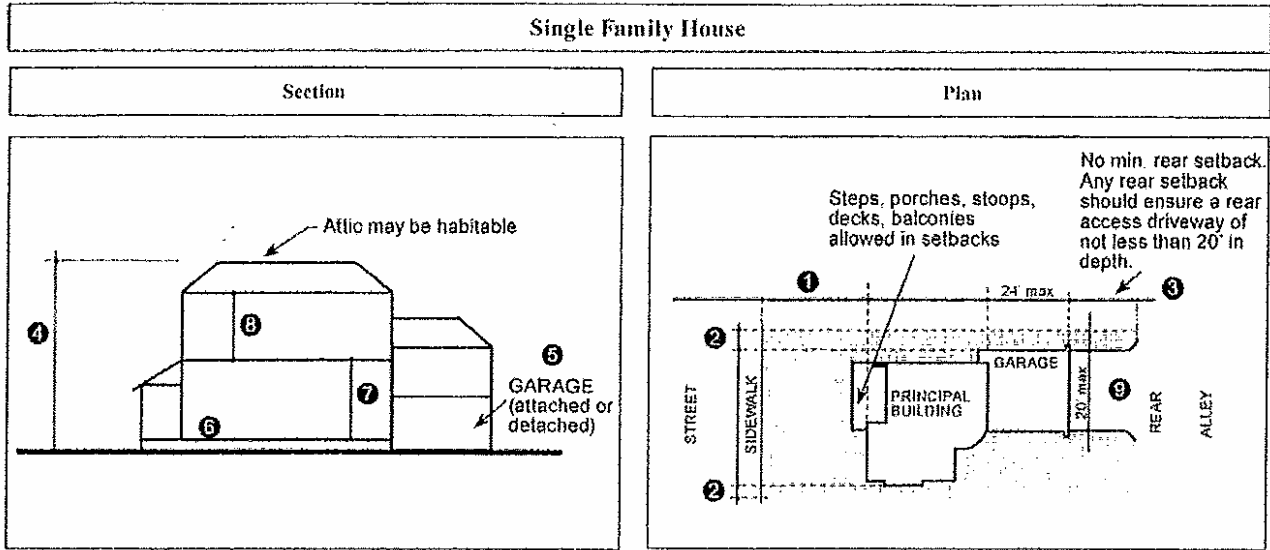


Lot Occupation	Lot Area	15,000 sq. ft. minimum
	Lot Coverage	30% maximum
Building Setbacks	Front	25 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ② Maximum driveway width 10 feet ⑨
	Rear	2 feet minimum ③
Building Frontage		
Lot Width		60 feet minimum, no maximum
Building Height	Principle Building	1 story minimum, 3 story maximum ④
	Out Building	25 feet maximum ⑤
Parking	Spaces	Minimum 1/unit - maximum 3/unit
	Area	30 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted
Uses		Residential
Interior Height		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling ⑦ ⑧
First Floor Elevation		3 feet minimum above finished grade ⑥

Exhibit 2

Manor Lot		
	Section	Plan
LOT OCCUPATION	Lot Area	15,000 sq. ft. minimum
	Lot Coverage	40% maximum
BUILDING SETBACKS	Front	20 feet minimum, 50 feet maximum ①
	Side	10 feet minimum ② Maximum driveway width 10 feet ⑨
	Rear	20 feet minimum. ③
BUILDING FRONTAGE		N/A
LOT WIDTH		50 feet minimum, no maximum
BUILDING HEIGHT	Principal Building	1 story minimum, 3 story maximum ④
	Out Building	2 story maximum, 800 sq. ft. maximum building footprint ⑤
PARKING	Spaces	Minimum 1/unit - maximum 3/unit
	Area	30 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted. Garage/accessory building 20 feet minimum setback from front facade. ⑩
USES		Residential
DISTRICTS		
INTERIOR HEIGHT		10 feet minimum finished floor to finished ceiling; upper stories 8 feet minimum finished floor to finished ceiling. ⑦ ⑧
FIRST FLOOR ELEVATION		3 feet minimum above finished grade ⑥

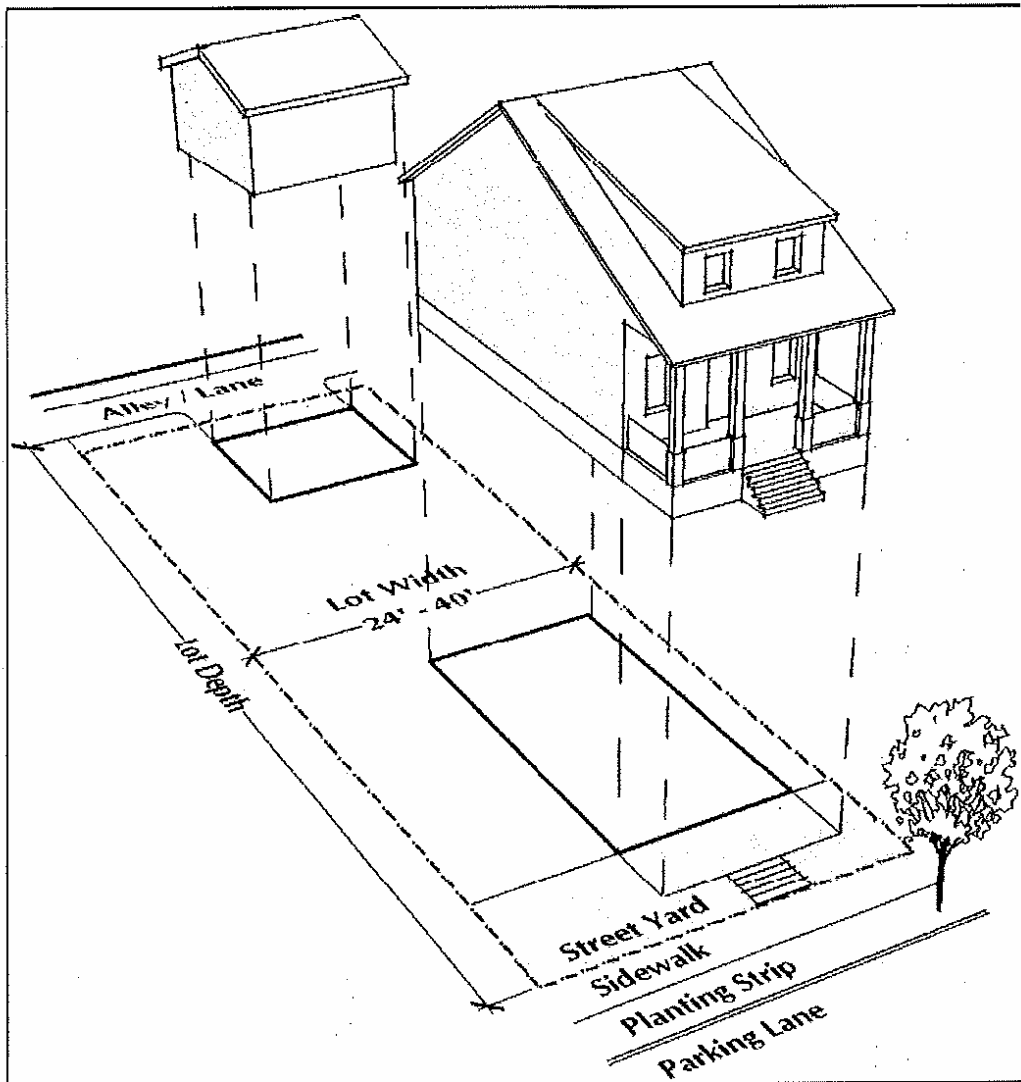
Exhibit 3



LOT OCCUPATION	Lot Area	10,000 sq. ft. minimum to 15,000 sq. ft. maximum
	Lot Coverage	60% maximum
BUILDING SETBACKS	Front	10 feet minimum, 15 feet maximum ①
	Side	3 feet minimum ②, maximum driveway ④, width 20 feet
	Rear	No setback required. ③
FRONTAGE		
BUILDING HEIGHT	Principal Building	40 feet maximum height ④
	Out Building	25 feet maximum in case of detached Garage ⑤
PARKING	Spaces	Maximum 2/unit- minimum 1/unit
	Area	20 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted
USES		Residential
DISTRICTS		
INTERIOR HEIGHT		⑦ ⑧
FIRST FLOOR LEVEL		3 feet minimum ⑥

Exhibit 4

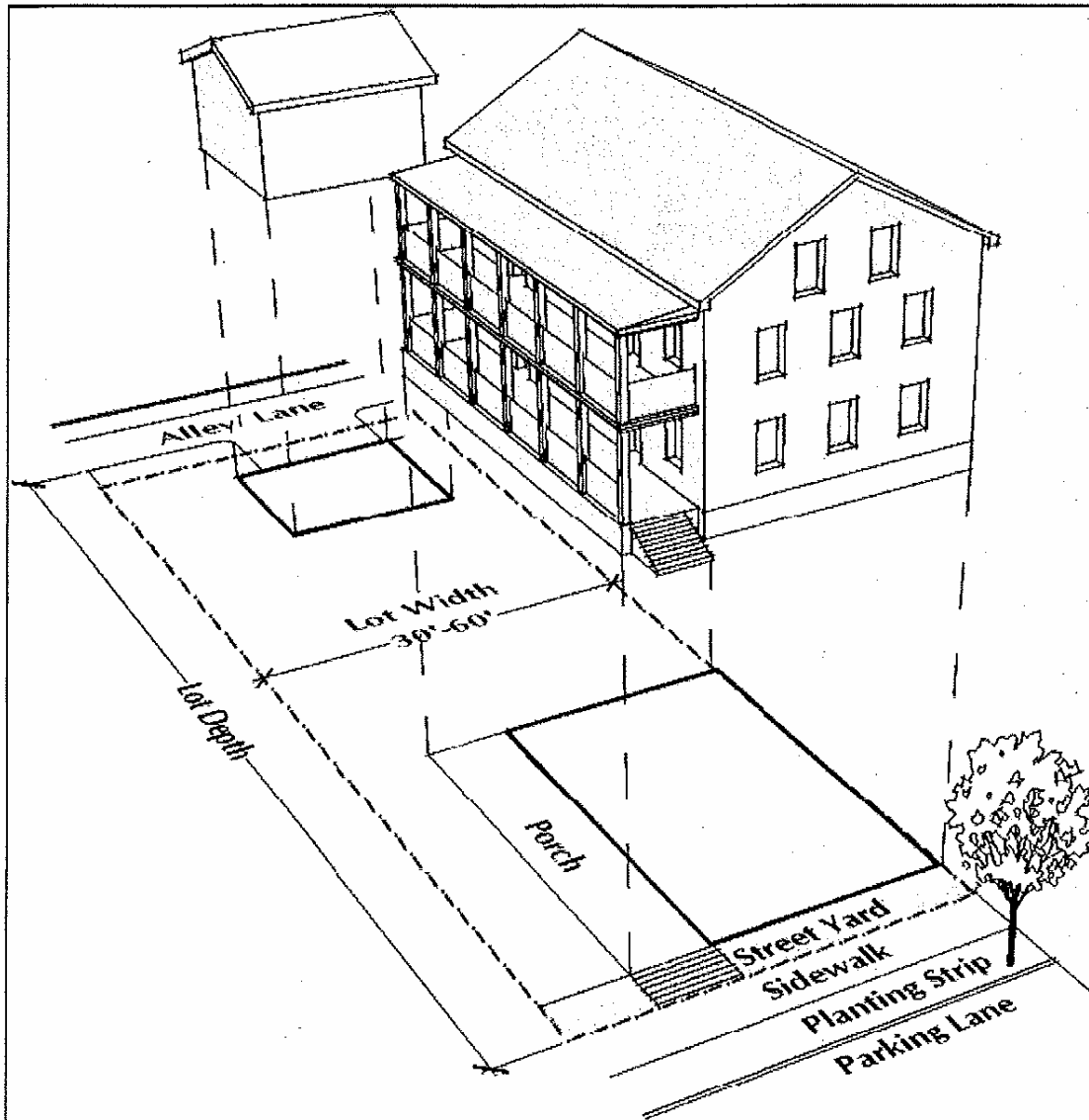
Cottage house & lot



Lot Area	2,400 sq. ft. minimum to 8,000 sq. ft. maximum
Lot Coverage	70% maximum
Building Setbacks	Front – 10 feet minimum, 15 feet maximum Side – 3 feet minimum, 10 feet maximum Rear – No setback required
Building Height	30 feet maximum
Parking	One minimum

Exhibit 5

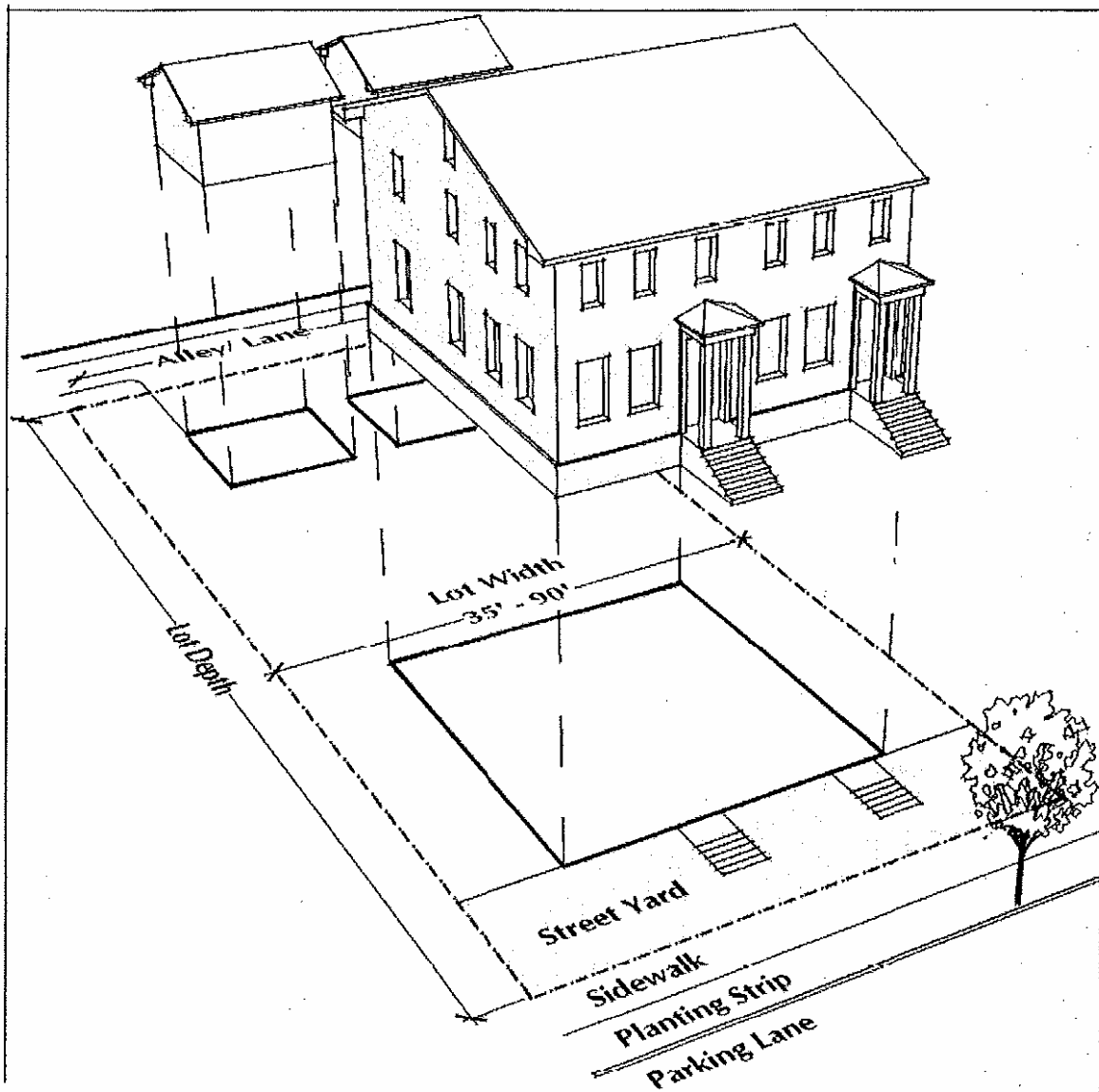
Sideyard house & lot



Lot Area	3,000 sq. ft. minimum to 8,000 sq. ft. maximum
Lot Coverage	70% maximum
Building Setbacks	Front – 10 feet minimum, 15 feet maximum Side – 0 feet minimum, 5 feet maximum Rear – No setback required
Building Height	45 feet maximum
Parking	One minimum

Exhibit 6

Attached Single-Family house & lot



Lot Area	4,200 sq. ft. minimum to 10,000 sq. ft. maximum
Lot Coverage	70% maximum
Building Setbacks	Front – 10 feet minimum, 15 feet maximum Side – 5 feet minimum, 10 feet maximum Rear – No setback required
Building Height	45 feet maximum
Parking	Two minimum

PD-O Planned Office District

Section 23 Principal Permitted Uses

- A. The following Planned Development Office Districts shall be allowed "PD-02" and "PD-03". The uses, height restrictions, and required conditions applicable to the 0-2 District shall apply to the PD-02 District and the uses, height restrictions, and required conditions of the 0-3 District shall apply to the PD-03 District. (Revised June 21, 1999)
- B. Residential uses developed in a unified manner in accordance with the "PD-R" Planned Residential District.

Section 24 Development Standards

In addition to the provisions of General Regulations, the following standards for arrangement and development of land and buildings or structures are required in the "PD-O" Planned Office District. (Revised June 21, 1999)

- A. Land Occupancy by Building or Structure. Total land occupancy by all buildings or structures for an office park shall not exceed sixty (60%) percent of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings. (Revised June 21, 1999)
- B. Green Space Requirements. Green space shall be a minimum of twenty (20%) percent of the land area and shall not be used or occupied by permanent buildings, structures or parking. Such space shall be reserved for landscaping. A minimum of 1/2 the required green space shall be located within the parking area. (Revised June 21, 1999)
- C. The specific Development Plan required by Article 12, Planned Development, shall be prepared in conformance with the above and with the Required Conditions and the Standards for Planned Development as set forth in Planned Development.
 1. Where a residential district abuts a retail service or office use of the PD-02 District, the Development Standards of the 0-2 shall be applicable. When a residential district abuts a retail or office use of the PD-03 District, the yard requirements of the 0-3 shall apply.

Section 25 Parking and Loading

Off-street parking and loading spaces shall be required as set forth in General Regulations and Off-street Loading Areas.

PD-B Planned Business District

Section 26 Principal Permitted Uses

The following Planned Development Business Districts shall be allowed: PD-B1, PD-B2, PD-B3, and PD-B4. The uses and height restrictions, and required conditions applicable to the B-1 shall apply to the PD-B1. The uses, and height restrictions applicable to the B-2 shall apply to the PD-B2. The uses and height restrictions applicable to the B-3 shall apply to the PD-B3. The uses and height restrictions applicable to the B-4 shall apply to the PD-B4. (Revised August 5, 2002)

Section 27 Development Standards

In addition to the provisions of the General Regulations, the following standards for arrangement and development of land and buildings or structures are required in the "PD-B" Districts. (Revised June 21, 1999)

- A. Land Occupancy by Buildings or Structures. Total land occupancy by all buildings or structures for "PD-B" Districts shall not exceed sixty (60%) percent of the area of the tract, provided however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings. (Revised June 21, 1999)
- B. Green Space Requirements. Green space shall be a minimum of twenty (20%) percent of the land area and shall not be used or occupied, by permanent buildings, structures or parking. A minimum of 1/2 the required green space shall be located within the parking area. (Revised June 21, 1999)
- C. The specific Development Plan required by Article 12, Planned Development, shall be prepared in conformance with the above and with the Required Conditions and the Standards for Planned Development as set forth in Planned Development.
 1. When residential district abuts the retail, service and/or office uses of the PD-B1, PD-B2, PD-B3, or PD-B4 then the residential districts yard requirements shall be applicable or four (4) foot of yard for each one (1) foot of building height, whichever is greater. (Revised June 21, 1999)

Section 28 Parking and Loading

Off-street parking and loading spaces shall be required as set forth in General Regulations and Off-Street Loading Area.

PD-I Planned Industrial District

Section 29 Principal Permitted Uses

Uses permitted in the "I-1" District that are manufacturing, processing, warehousing and/or industrial service activities developed, operated and maintained within an organized development of associated activities in accordance with the approved Development Plan.

Section 30 Development Standards

In addition to the provisions of General Regulations, the following standards for arrangement and development of land and building are required in the "PD-I" District.

- A. Land Occupancy by Buildings or Structures. Total land occupancy by all buildings or structures for a "PD-I" District shall not exceed 60% percent of the area of the tract. (Revised June 21, 1999)

- B. Site Planning. The same requirements applicable to the "PD-R" District shall apply to "PD-I" District. In addition, yards with a minimum width of 100 feet shall be provided along all property lines, except where it adjoins a "B" or "I" District.
- C. Green Space Requirements. Green space shall be a minimum of twenty (20%) percent of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 the required green space shall be located within the parking area. (Revised June 21, 1999)

Section 31 Parking and Loading

Off-street parking and loading space shall be required as set forth in General Regulations.

PD-T Planned Development Transition

Section 32 Purpose

The purpose of the Planned Development Transition Zone is to allow for orderly growth and development between Washington Township and abutting municipalities.

Section 33 Principal Permitted Uses

- A. Uses permitted in any Residential District.

Section 34 Development Standards

- A. Single family residential and multi-family residential shall meet those established setback requirements, minimum lot or green space, height regulations; minimum rear yard and minimum side yard of the abutting municipality's Zoning Ordinance. Maximum density shall also be determined by the abutting municipality's Zoning Ordinance. (Revised June 21, 1999)
- B. The PD-T (Planned Development Transition) can be used only when property to be zoned physically abuts a municipality.

PD-MU Planned Mixed Use District

Section 35 Purpose

The purpose of the Mixed Use District is to provide for multi-purpose activity centers which encourage the efficient use of land and resources, promote innovation in various types of development and is respectful to the scale and character of the surrounding uses.

Developments will fulfill the stated purpose by including a mixture of complimentary land uses that:

- Create economic and social vitality;
- Are safe, comfortable and attractive;
- Provide flexibility in the design to accommodate reuse and redevelopment;
- Integrate transportation infrastructure to support and compliment public and private uses and activities;
- Encourage efficient land use by facilitating compact development; and
- Encourage pedestrian-oriented design.

Section 36 Permitted Land Uses

Retail Sales	Banquet Hall, Meeting Facility, Party Center
Convenience Retail & Service	Garden Center/Nursery
Financial Institutions	Park, Playground
Indoor Commercial Entertainment	Dwelling Unit
Restaurant	Child Day Care/Pre-School Center
Business/Professional Office	School
Data Processing Center/Call Center	Church
Medical/Healthcare Office	Animal Hospital/ Animal Daycare
Personal Service	Government/Public Offices
Funeral Home/Mortuary	Art Galleries, Libraries, Museums
Lodging	Carnival/Festival (not exceeding seven (7) days)

Section 37 Design Criteria for Pre-Development, First Stage

The applicant shall demonstrate how the proposal conforms to all of the criteria numbered 1-6 below. The elements under each criterion shall be used to satisfy the stated requirements. The applicant may propose an alternative approach that achieves the intent of the criteria as determined by the Township. Before a development may be approved, the Board of Township Trustees shall make findings that the proposal satisfies the criteria.

Appropriate density for the proposed uses shall be established by the Zoning Commission at this review stage. Densities established for various uses as outlined in other Articles of this Resolution shall be used as a baseline for this review.

Criterion 1: Compact Development

The site layout is compact, and utilizes the area such that changes in the development can be accommodated. Criteria:

- A. A shadow plan, as defined in this Resolution, is provided that demonstrates how development may be intensified over time for more efficient use of land.
- B. Opportunities for shared parking are utilized in the proposal.
- C. Retail uses shall not exceed a total of thirty-thousand (30,000) square feet of gross floor area per user.
- D. Convenience uses shall be permitted when associated with another complimentary use and with regard to dedicated space, is subordinate to that use.

Criterion 2: Pedestrian Access, Safety and Comfort

The development provides appropriate pedestrian elements which are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities. The design of buildings supports a safe and attractive pedestrian environment. Criteria:

- A. Building(s) shall have at least one (1) primary entrance facing a street, or is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance.

- B. Building entrances shall open directly to the outside; every building shall have at least one (1) entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.
- C. At least sixty percent (60%) of the building's front façade (measured horizontally in linear feet) and/or associated outside activity is located within ten (10) feet of the front property line or the adjacent public right-of-way when that right-of-way is seventy (70) feet wide or less and windows or window displays provided along at least sixty percent (60%) of the building's façade, are not tinted at the first level.
- D. Outdoor activities associated with an approved use shall be complimentary to the surrounding public space. These activities shall not impede pedestrian flow or comfort and shall not occupy any space designated for general pedestrian movement.
- E. Pedestrian facilities as defined in Article 15 of this Resolution which connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- F. Sidewalks and/or plazas shall be provided with weather protection (e.g., awnings/canopies) where appropriate and feasible. A pedestrian furnishing zone of a minimum size of ten (10) feet by fifteen (15) feet shall be provided on both sides of every public and private street and/or main vehicle access adjacent to and/or within the development. Such street furnishing zones shall occur no less than once for every two-hundred (200) lineal feet of said street. Appropriate pedestrian facilities shall be provided in the street furnishing zone. The applicant can seek relief from this requirement by increasing the civic space provided, as outlined in Criterion 5 below.
- G. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance, consistent with Section 4(D), below.
- H. At least fifty percent (50%) of surface parking is oriented behind or to the side of a building where site layout allows.
- I. Landscape buffering is provided between parking lots and all adjacent sidewalks.

Criterion 3: Street Connections

The development is part of a connected transportation system that serves motorized and non-motorized vehicles and pedestrians. Criteria:

- A. Public or private accesses appropriately connect the development to adjacent neighborhoods and zoning districts.
- B. Accepted public streets are preferred over private streets to accommodate through traffic.
- C. The proposal implements all planned street enhancements and improvements.
- D. When vehicle connection(s) is/are not practicable, pedestrian connection(s), are made to and through the development in lieu of planned vehicle connection(s). Pedestrian connections should equal what would be available if they were on a street [(i.e., distinct from vehicle lane, minimum clear space, direct route with minimum interruption, shade by day and light by night, connects to an appropriate destination (front door of commercial use, public plaza/park, residence, transit stop, true street, etc.).

Criterion 4: Parking and Land Use Efficiency

All of the following methods are used whenever possible to minimize the amount of land developed as surface parking. Criteria:

- A. The amount of required off-street parking shall be reduced by ten percent (10%) when public parking is provided on a publicly dedicated street directly adjacent to the development.
- B. Surface parking shall not exceed one-hundred and ten percent (110%) of the minimum parking requirement for the subject land use(s). Exemptions to this standard may be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities.
- C. A density or floor area bonus of one (1) building story shall be granted for every story of structured parking provided in a building, subject to building height limitations for the zoning district.
- D. Valet parking is permitted where a valet parking plan is approved by the Township as part of the site/design review application.

Criterion 5: Creating and Protecting Public Spaces

The proposal provides usable public space and recognizes and responds appropriately to existing or planned public spaces. Criteria:

- A. The development provides at least one-hundred (100) square feet of public space, in addition to required sidewalk(s), for every ten (10) off-street surface parking spaces.
- B. The development does not diminish the safety, function, comfort and attraction of any public space.
- C. The combined area of all civic spaces, as defined in this Resolution, shall be a minimum of five percent (5%) of the site's total acreage.

Criterion 6: Human Scaled Building Design

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood. The following existing and proposed elements shall be reviewed with regard to compatibility to human scale. Criteria:

- A. Existing architectural character of the neighborhood/district;
- B. The continuity of the building sizes;
- C. The street-level and upper-level architectural detailing;
- D. Roof forms;
- E. Rhythm of windows and doors; and
- F. General relationship of buildings to public spaces such as streets, plazas, other open space, and public parking.

Section 38 Design Standards for Second/Final Stage

The design standards described in this subsection are intended to promote quality design in site development and new building construction. Buildings and dwellings should be visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, visually stimulating, active and safe. The site design facilitates easy pedestrian movement and provides a rich mixture of uses. A diversity of architectural styles is encouraged except in settings where unified architectural can further the identity of the development project.

- A. Building Design Standards. All new development and expansions of existing uses located in mixed use districts shall comply with the following design standards.

1. Building Entry and Orientation Requirements
 - a. Primary entrances of buildings shall be oriented to the main public access as defined in this Resolution to encourage pedestrian access and movement.
 - b. Secondary entrances shall be oriented to parking areas and pedestrian connection points and may also serve as an internal connection to the main public access where appropriate.
 - c. Approved uses that include dedication of outdoor space for activity shall provide graphic detail of the outdoor space being used. This shall include seating areas, display areas, vending areas, and similar activities.
 - d. All ground-floor tenant spaces with at least thirty (30) feet of frontage facing a main public access shall have at least one (1) primary entrance. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance. The entrance may include architectural features such as arcades, anti-chambers, porticos and similar elements. If a building has frontage on more than one (1) main public access, the primary entrance may be located at the corner where the two (2) accesses intersect. Where one (1) single tenant has two-hundred (200) feet or more of frontage on a main public access, one (1) additional public entrance shall be provided for each two-hundred (200) feet of frontage on one (1) of the main public accesses.
 - e. An exception to the requirement of paragraph (d) above, shall be allowed upon finding that:
 - 1.) The land between the building and the main public access contains a natural feature which would be unavoidably and irreparably degraded by providing a reasonably direct pedestrian connection and an acceptable alternative route without such impacts is available; or
 - 2.) The land between the building and the main public access contains mature, healthy trees of greater than eight (8) inch caliper which would be unavoidably destroyed or damaged by any reasonably direct routing of a pedestrian connection and an acceptable alternative route without such impacts is available.
 - f. The main entrance of any residential dwelling located on the ground floor and fronting on a main public access shall have the main entrance of that dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single family attached and row/townhouse residential units fronting on a main public access shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a main public access may share one (1) or more entries accessible directly from the access.
 - g. Residential building facades over one-hundred and fifty (150) feet in length facing a main public access shall provide two (2) or more main building entrances.
2. Ground Floor Windows and Building Façade Requirements
 - a. Ground floor windows on all building facades facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space shall contain ground floor windows. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide

a lower sill no more than three feet (3') above grade. Where interior floor levels are higher than the exterior grade, the sill may be located not less than two feet (2') above the finished floor level to a maximum sill height of five feet (5') above exterior grade.

- b. Where ground floor windows are required by this section, exterior walls facing a public street, public open space, pedestrian walkway and/or public transportation amenities shall have windows, display areas or doorways for at least fifty percent (50%) of the length and fifty percent (50%) of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen feet (15') above finished grade, whichever is less.
 - c. Windows with a light transmittance of less than seventy percent (70%) and windows which block two-way visibility are prohibited as ground floor windows required under this provision. Building frontages with no primary or secondary entrance where the closest face of the building to the nearest public right-of-way is greater than fifty (50) feet may have windows with frosted, speckled or similar treatment where direct view is somewhat obscured but light is allowed to transmit through the glass.
 - d. Building frontages along main public accesses and rights-of-way shall break any flat, monolithic façade of thirty (30) feet or more by including architectural elements such as bay windows, recessed entrances or other articulation as further defined in this Resolution.
 - e. On single family detached, single family attached and townhouse structures, exterior walls facing a public street, public open space, pedestrian walkway and/or public transportation amenities shall have windows, display areas, identification sign, architectural/decorative features or doorways for at least twenty percent (20%) of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen (15) feet above finished grade, whichever is less.
 - f. Building screen walls, as defined in this Resolution, shall include decorative elements that provide visual interest such as openings with decorative grates, art work and/or decorative tiles to provide visual interest.
3. Architectural Design Requirements
- a. All buildings shall be constructed with exterior building materials and finishes of substantial endurance and durability. Materials such as, and including, brick masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding authentic vertical board & batten siding, articulated architectural concrete masonry units and similar durable architectural materials are allowed.
 - b. Commercial buildings and sites shall be organized to group utilitarian functions such as delivery and loading operations; HVAC equipment; trash compacting and collection; and other utility and service functions away from the public view when such elements are located outside of a building. The visual and acoustic aspects of all such equipment and activities shall be minimized by placing equipment behind parapets, within architectural screening or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

B. Site Design Standards

1. Location and Design of Off-Street Parking

- a. Parking areas shall be located and designed to facilitate parking, complement and encourage easy and safe pedestrian movement to, through and around the development. The scale and location of parking areas shall support the mix of uses on the site through appropriate placement, design and overall function.
 - b. The parking design standards contained in Article 13 of this Zoning Resolution shall apply to all “PD-MU” developments. The following additional standards shall also apply:
 - c. The maximum size of any surface parking area, as defined in this Resolution, shall be fifty-thousand (50,000) square feet.
 - 1.) Surface parking or vehicle maneuvering area may be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a motorized vehicle access where a maximum setback is prescribed by this Section. Service docks and loading areas may be accessed from a motorized vehicle access when the loading area is recessed into the building, has a full-cover door and complies with the pertinent provisions contained in Article 13 of this Zoning Resolution.
 - 2.) Bicycle parking shall be incorporated into the development and when provided, these areas shall be incorporated into the usable open space so as not to impede uses of this space by others. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex.
 - 3.) Surface parking areas, as defined by this Resolution, shall provide perimeter landscaping which meets one of the following standards when adjacent to a motorized vehicle access:
 - i. A ten (10) foot wide planting strip between the motorized vehicle access and the parking area shall be provided. This planting strip may be pierced by pedestrian elements and vehicular access-ways. A maximum of ten percent (10%) of any strip shall be pierced by such access-ways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30) inches or more than forty-two (42) inches in height.
 - ii. In lieu of hedges specified in subsection d.1, decorative walls or fences thirty (30) inches to forty-two (42) inches in height parallel to and a minimum of two (2) feet from the motorized vehicle access point may be utilized. The area between the wall or fence and the back of the sidewalk shall be adequately landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.
2. Surface parking areas shall provide landscaping which meets the following standards:
 - a. Angled or perpendicular parking spaces shall provide, where needed, tire stops or widened curbs to prevent bumper overhang into landscape areas or walkways.
 - b. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least ten (10) feet. All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
 - c. A minimum of one (1) three (3) inch caliper street tree for every three-hundred (300) square feet of space within the required perimeter strip shall be provided.

- d. All surface parking areas measuring ten-thousand (10,000) square feet to twenty-thousand (20,000) square feet shall include an additional ten (10) trees to be located in the perimeter landscape strip.
 - e. All surface parking areas measuring more than twenty-thousand (20,000) square feet to fifty-thousand (50,000) square feet shall include an additional sixteen (16) trees to be located in the perimeter landscape strip.
 3. Except in residential areas, parking associated with new development shall be designed to connect with existing parking areas on adjacent sites wherever feasible. Design elements that accommodate future connection(s) should also be incorporated into the development wherever feasible.
 4. General Landscaping Standards for Off-Street Parking Areas
 - a. The minimum planting size for all required trees shall be three (3) inch caliper as defined in this Resolution. Trees shall be deciduous shade trees capable of reaching at least thirty-five (35) feet in height and spread at maturity.
 - b. A minimum of seventy percent (70%) of all required landscaped areas shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
 - c. Evergreen shrubs shall be not less than two (2) feet higher than the finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six (36) inches higher than finished grade.
 - d. The specific placement of trees and landscaping shall compliment the overall site development and associated pedestrian amenities, and facilitate safe movement of vehicles into and around the parking area.
 5. All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, efficient traffic flow, appropriate access points needed for the proper functioning of the development and the objectives of this Section.
 6. Requirements for Drive-Through Facilities. Where Drive-Through Facilities are permitted, the following standards shall apply:
 - a. Except for corner lots, drive through service lanes shall be located on the side of the building and not on the front facing the main public access
 - b. On buildings with two (2) or more main public accesses, drive though lanes located between a building façade and a main public access shall be buffered by a landscaped area of evergreen shrubs between the drive-thru and the main public access. The shrubs shall be not less than two (2) feet higher than finished grade of the landscaped area at the time of planting. Evergreen shrubs shall be of the type that grows to be at least thirty-six (36) inches higher than finished grade.
 7. Requirements for Improvements Between Motorized Vehicle Access and Buildings
 - a. The area between the motorized vehicle access and an adjacent building shall be landscaped or hardscaped.
 - b. Except for single-family detached dwellings, where a hard-surfaced area such as a patio, courtyard or landing, other than a pedestrian connection is used, such areas shall include at least two (2) pedestrian facilities as defined by this Resolution within one-hundred (100) linear feet.
 - c. Trees may be located within tree wells with a minimum planting area of fifteen (15) square feet Such trees shall be planted every thirty (30) feet on center (or, depending on species, at some other distance to ensure their proper spacing) so as

to develop a continuous canopy when mature. Street trees shall be at least three (3) inches in caliper at planting, and shall be planted within an approved root barrier.

- d. Topping, shearing or pollarding of street trees is prohibited, unless necessary to protect overhead utility lines.
 - e. Except as noted below, all public utility distribution and service connections to new buildings and dwellings shall be located underground. Aerial utility connection may be used in new construction where all of the following circumstances apply:
 - 1.) The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aurally rather than underground;
 - 2.) The project is located between other utility users on the same block face;
 - 3.) It would not be practicable to serve the new project underground without also serving the neighboring uses; and
 - f. Ornamental lights located within thirty (30) feet of a public right-of-way shall be installed when improvements to that public right-of-way are required as a part of a development.
 - g. Bulb-outs, or curb extensions, shall be constructed at all intersections of motorized vehicular accesses when public right-of-way improvements are required as a part of a development. The design of the improvements shall be approved by the appropriate authority having jurisdiction.
8. Civic Spaces

Civic spaces shall be an integral part of a mixed use development. These spaces shall be designed and configured to be clearly recognizable as public open space. Civic spaces shall be located so that adjacent building walls having at least fifteen percent (15%) of each building story in transparent windows will face the space.. Each civic space shall have at least fifty percent (50%) of its perimeter and at least two (2) sides directly adjoining a main public access. The combined area of all civic spaces must be at least five percent (5%) of the site's total acreage.

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Section 1 Purpose

The regulations set forth in this Article qualify or supplement the regulations appearing elsewhere in this Resolution.

Section 2 Non-Conforming Uses

A. Continuance of Non-Conforming Use.

The use of any non-conforming structure may be continued as it existed at the time it became non-conforming. Any such use may be extended through any part of a building or structure which was arranged or designed for such use at the time it became non-conforming.

B. Discontinuance of Non-Conforming Use and Structures Voluntary.

1. No building, structure or land where a non-conforming use has ceased for two years or more, or where such use is changed to a conforming use, shall again be put to a non-conforming use.
2. No non-conforming structure which has been damaged by fire, flood or other causes to the extent of 75 percent or more of its reproduction cost shall be repaired, reconstructed or used except in conformity with the provisions of this Resolution. Any structure that has been damaged less than 75 percent may be repaired, reconstructed or used as before, provided it is done within 12 months of such happening, and after issuance of a Zoning Certificate.

Section 3 Off-Street Parking Standards

The provisions of this section shall apply to any land used for parking areas, commercial parking lots, auto and farm implement sales lots, drive-in restaurants, automobile service stations, and similar uses.

A. Off-street parking areas shall be provided as required by this Section whenever:

1. A building or structure, other than a dwelling, is erected or enlarged. (Residential off-street parking is dealt with in the Residential districts.)
2. Whenever the use of any premises is changed to a use requiring more or less parking or loading spaces.

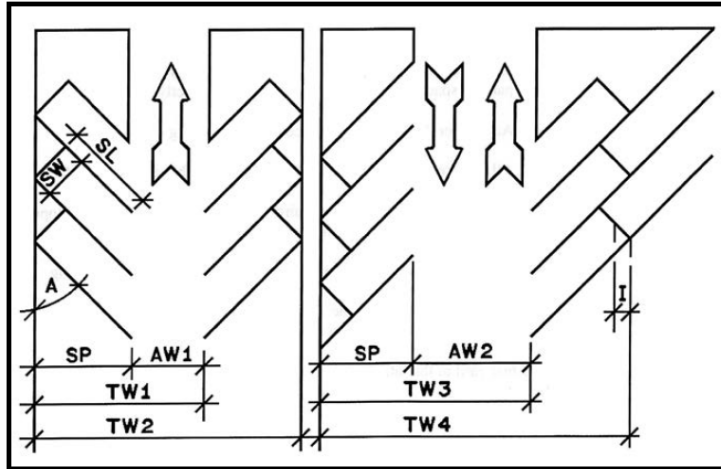
B. Location. A parking area may be located anywhere except within the required buffer strips; also as permitted by regulations governing O, B or I districts. Any parking area shall be on the same lot as the principal building.

C. Uses. Parking areas shall be used for parking spaces, loading spaces, driveways, access aisles, landscaping and for no other purposes.

D. Minimum Size and Number. Each parking area shall include 3 or more parking spaces in "OR" Districts and 5 or more parking spaces in all other non-residential districts. Each parking space shall be an area of 180 sq. ft. a minimum of nine (9) feet in width and a minimum length of eighteen (18) feet within or outside a building, permanently reserved to store one automobile, exclusive of aisles. (Revised January 8, 2001)

E. Traffic Control. A plan for traffic control both inside and outside the parking area shall be prepared for each required parking area. Access drives shall open onto feeder streets and not onto main thoroughfares unless drives to feeder streets cannot reasonably be made available. Where practicable, any access drive opening onto a main thoroughfare shall be used as an entrance only, and an access drive opening upon a feeder street shall be used as a combination entrance and exit. Access drives shall be located away from street intersections, preferably in the middle of a block.

- F. Parking Area Diagram. A parking diagram, drawn to scale and showing the traffic control plan and the exact size and location of each parking space and loading space required, shall be prepared for each required parking area, and shall be subject to approval of a Zoning Certificate. The parking area diagram shall provide maneuvering space for parking in the form of access aisles of the following minimum design standards for off-street parking areas:



		<i>Parking Angle (In Degrees)</i>				
		<i>0° (Parallel)</i>	<i>30°</i>	<i>45°</i>	<i>60°</i>	<i>90°</i>
<i>SW</i>	<i>Stall Width on Angle</i>	24	9	9	9	9
<i>SL</i>	<i>Stall Length on Angle</i>	8	18	18	18	18
<i>SP</i>	<i>Stall Length Perpendicular to Angle</i>	8	17	19	20	18
<i>AW1</i>	<i>Aisle Width, One-Way</i>	12	12	12	18	24
<i>AW2</i>	<i>Aisle Width, Two-Way</i>	20	20	20	22	24
<i>TW1</i>	<i>Total Width, 1 Stall, One-Way Aisle</i>	20	29	31	38	42
<i>TW2</i>	<i>Total Width, 2 Stalls, One-Way Aisle</i>	28	46	50	58	60
<i>TW3</i>	<i>Total Width, 1 Stall, Two-Way Aisle</i>	28	37	39	42	42
<i>TW4</i>	<i>Total Width, 2 Stalls, Two-Way Aisle</i>	36	54	58	62	60
<i>I</i>	<i>Reduction in Total Width for Interlock (per Stall)</i>	0	3.9	3.2	2.3	0

Note: All figures are measured in feet unless otherwise noted.

- G. Maintenance. The surfacing, landscaping and screening of any parking area shall be maintained in good condition and such maintenance shall include repair of surfacing, trimming and necessary replacement of landscaping and screening, and removal of debris and foreign objects.
1. Surfacing. All open off-street parking areas shall be graded, and provided with a hard surface of bituminous or portland cement concrete, except single family residential tracts exceeding forty thousand (40,000) square feet in land area.
 2. Separation. All open off-street parking areas shall be separated from public sidewalks by a space at least 4 feet in width, and a 6 inch high barrier shall be provided on the parking lot side of the four (4) foot width.

3. Screening. When any open off-street parking area containing more than 4 parking spaces is adjacent to a Residential District, an effective buffer or screen, consisting of a solid wall, fence, or dense living hedge, shall be provided at the lot line as a visual barrier protecting the privacy of the adjoining residential uses. Such wall, fence, or hedge shall not be less than six (6) feet in height.
4. Lighting. Refer to Section 17 for lighting standards.
5. Repair and Service. No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.
6. Drainage. All open off-street parking areas shall be provided with adequate drainage facilities and shall comply with the Montgomery County Drainage Regulations. (Revised January 8, 2001)
7. Landscaping. Every parking area shall be partially shaded by deciduous trees each 2 inches or more in diameter at the edge of and/or within said area. One such tree shall be located within said parking area for each 10 parking spaces and within 50 feet of every parking space. The required front side and rear yards adjoining any parking area shall be landscaped with grass, trees, evergreen ground cover or hardy shrub as provided elsewhere in General Regulations.
8. Marking. Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in clearly visible condition.

Section 4 Mixed Occupancies and Uses Not Specified

- A. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. The Zoning Inspector may authorize a reduction in the total number of required off-street parking spaces for two (2) or more non-residential uses providing their respective hours of operation do not overlap. Examples of these types of uses are restaurants, theaters, churches, school auditoriums, banks, business or professional offices, and retail and personal service establishments.

Reduction of joint use parking shall be subject to the following conditions:

1. Not more than 50 percent of the total number of off-street parking spaces required may be located on other premises.
 2. The applicant shall submit data to indicate that there is no substantial conflict in the principle operating hours of the uses proposing to make use of the joint parking facilities.
- B. Where a use is not specifically mentioned in the eight (8) groups for off-street parking requirements, the requirements for a use which is mentioned and to which said use is similar shall apply.

Section 5 Off-Street Parking Requirements

Off-street parking requirements shall be as follows:

Group No. 1: Dwelling and Lodging Uses:	
One and two family dwellings	Two spaces for each dwelling
Three or more dwelling units	Two spaces for each dwelling
College or university owned or leased housing, fraternities and sororities	One space for each three occupants calculated on the design capacity of the building

Hotels and motels	One space for each rental unit, plus one space for each employee on the maximum work shift plus such spaces as required by the Resolution for restaurants, assembly rooms and affiliated facilities
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Group No. 2: Retail Establishments:	
Retail stores	5.5 spaces required per 1000 square feet gross floor area
Barber shops, beauty parlors, or similar personal service	Two spaces per chair
Eating places	One space per 2 seats with a minimum of fifteen spaces for Eating Places - Drive-In, and ten spaces for Eating places - Carry-out plus one space for each 2 employees based on the maximum employees on the major work shift.
Automobile service stations	Six spaces, except those stations which primarily dispense only petroleum products and have no under-roof facilities for the repair and service of motor vehicles will require only two spaces
Furniture stores, appliance stores, automobile salesrooms and new and used car lots	One space for each 1000 square feet of enclosed floor area one space for each 3000 square feet of open lot area devoted to the sale and display of motor vehicles
Laundromats	One space for each two washing machines
Private Clubs and Lodges	One space for each three club members, plus one space for each room which can be used to provide lodging accommodations for members and their guest and one space for each 2 employees based on the maximum employees on the major work shift.

Group No. 3: Office and Medical:	
Administrative or business office	One space for each 200 sq. ft. of floor area
Medical/Dental clinics and offices	One space for every 150 sq. ft. of office space or clinic.
Hospital or similar medical facility	One space for each hospital bed, plus one space for each two employees and staff on the combined major work shifts
Nursing home, rest home and convalescent	One space for each two beds
Funeral homes	One space for each 50 sq. ft. floor area in public rooms, plus one space for each vehicle maintained on the premises
Animal hospital and kennel	One space for each 300 sq. ft. of floor area

Group No. 4: Education:	
Elementary schools, Junior high schools, public or private	One space for every 25 classroom seats plus one space for each teacher or other employee
High schools, public or private	One space for each 5 students based on the design capacity of the building plus one space for each teacher or other employee
Nursery or child care centers	Two spaces, plus at least 1 for every 20 children and plus one for each staff member
Colleges and universities	One space for each 5 classroom seats, plus one space for each 3 seats in an auditorium
Trade or commercial schools	One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee
Libraries, museums, art galleries, and other public buildings	One space for each 300 sq. ft. of floor area

Group No. 5: Recreation and Religion:	
Churches, chapels, temples, synagogues auditoriums, gymnasiums, stadiums and other places of public assembly	One space for each three seats or bench seating spaces in the main auditorium
Theaters	One space for each two seats
Assembly halls, exhibition halls or rooms without seats	One space for each 50 sq. ft. of floor area
Golf courses, swimming pools or similar places	One space for each three patrons the establishment is designed to serve
Enclosed place of amusement or recreation or similar place of assembly	One space for each 100 sq. ft. of floor area devoted to assemblies
Bowling establishments	Five spaces for each bowling lane, plus such additional space as may be required for affiliated uses

Group No. 6: Volume Business:	
Wholesale lumber yard and building materials, storage building and yards, feed and coal yards, ready-mix concrete	One space for each 3,000 sq. ft. of area, plus one space for each employee on the largest shift

Group No. 7: Retail Manufacturing and Processing; Manufacturing:	
Manufacturing, warehousing, wholesaling or similar establishments.	One space for each two employees on the combined work shifts, plus one space for each 10,000 sq. ft. of floor area, plus one space for each vehicle maintained on the premises

Section 6 Off-Street Loading Spaces Required

In connection with every building or part thereof erected for uses which customarily receive or distribute material or merchandise by vehicle, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths as per the requirements of this Article.

Section 7 Off-Street Loading Requirements

Off-street loading requirements shall be as follows:

Building Area	Number of Spaces Required
Less than 1,000 sq. ft.	None required
1,000 sq. ft. to 10,000 sq. ft.	One space
10,000 sq. ft. to 40,000 sq. ft.	Two spaces
More than 40,000 sq. ft.	Three spaces, plus one space for each additional 30,000 sq. ft. over 40,000 sq. ft. of building area

Section 8 Off-Street Loading Standards

- A. Dimension: Each off-street loading space shall be at least ten (10) feet in width by sixty-five (65) feet in length having vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.
- B. Surfacing: All open loading spaces shall be graded and improved with bituminous concrete or portland cement concrete.
- C. Drainage: All loading spaces shall be provided with adequate drainage facilities which shall comply with the Montgomery County Drainage Regulations. (Revised January 8, 2001)
- D. Location: All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front or side yard when adjacent to a Residential District. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.

Section 9 Extraction of Materials

The extraction of minerals shall be a 'Conditional Use' within the "I" District. This section shall guide the applicant, Zoning Commission, Trustees and Board of Zoning Appeals in the consideration of any such activity in Washington Township. This section will also serve the Zoning Inspector as a guide in the requirement for submission of information, whenever a property owner or his representative proposes to create a pond or retention basin, excavates soil, gravel or other ground cover from one property to another or within a single property for the purpose of preparing an area for development, which does not have a current Zoning Certificate with an approved drainage plan or other similar activity which is not the extraction of minerals.

Two (2) copies of required additional information shall be submitted with an application and shall include:

- A. Name of the owner or owners of land from which extraction is to be made.
- B. Name of applicant making request for such a permit.
- C. Name of the person or corporation conducting the actual mining operations.
- D. Location, description and size of the area from which the removal is to be made.
- E. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.
- F. Type of resources or materials to be removed.
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- H. General description of the equipment to be used.
- I. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding areas within five hundred (500) feet of the property boundary line, drawn to intervals of five (5) feet or less.

Section 10 Development Standards for Extraction of Minerals

- A. No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board, where such is

deem necessary for the protection of adjacent property except that this distance required may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.

- B. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as provided by Section 4153.11 of the Revised Code of the State of Ohio.
- C. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
- D. Fencing or other suitable barrier, including the planting of multi-flora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Board.
- F. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.
- G. The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

Section 11 Rehabilitation Requirements for Extraction of Materials

All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated. The Board shall be guided by the following standards when setting conditions with respect to rehabilitation and reclamation of mined-out areas:

- A. All excavation shall be made either to water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, noncombustible and nonflammable solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - 2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- B. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped on the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.
- C. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
- D. Proper drainage shall be provided for the mined-out area.
- E. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.

- F. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
- G. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest.

Section 12 Noise Standards

A. Method of Measurement

- 1. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound meter shall be measured with the impact noise analyzer.
- 2. Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1, 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table I (A thru D) Octave band analyzers calibrated with pre-1960 Octave Band (American Standards Association Z24-10-1953, Octave Band Filter Set) shall use Table II (A thru D) in Sections 04 thru 06, inclusive. For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II (A thru D) may be increased by six (6) decibels in each octave band.

B. Exemptions to Noise Standards

The following uses and activities shall be exempt from the noise level regulations:

- 1. Noise not directly under the control of the property users.
- 2. Noise emanating from construction and maintenance activities between the hours of 7 AM to 9 PM.
- 3. The noises of safety signals, warning devices, and emergency pressure relief valves.
- 4. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

C. Required Performance Levels

- 1. No operation or activity shall cause or create noise in excess of the sound levels prescribed herewith.
- 2. Standards in the "OR" thru "O-3" Office Districts, "B-1" thru "I-1" Business and Industrial Districts and the "PD-0" through "PD-I" and all Residential Districts.
 - a. Sound Level at the District Boundaries.
 - i. In the "OR" thru "O-3" and the "B-1" thru "I-1" Districts at no point on or beyond the boundary of the Zoning District, shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables IA and IIA.
 - ii. In all Residential Districts, at no point within the District and at no point on or beyond the Zoning District shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables IA and IIA.

Table IA: Preferred Frequencies	
Center Frequency Cycles per Sound	Maximum Permitted Sound Pressure Level (In Decibels)
31.5	65
63	67
125	66
250	59
500	52
1,000.00	46
2,000.00	37
4,000.00	26
8,000.00	17

Table IIA: Pre-1960 Octave Bands	
Center Frequency Cycles per Sound	Maximum Permitted Sound Pressure Level (In Decibels)
20-75	67
76-150	66
151-300	61
301-600	54
601-1200	47
1201-2400	39
2401-4800	29
4801-10KC	20

b. Sound Level at Lot Lines

- i. In the "OR" through "O-3", and the "PD-O" through "PD-I", and the "B-1" thru "I-1" Districts, no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables IB and IIB.

Table IB: Preferred Frequencies	
Center Frequency Cycles per Sound	Maximum Permitted Sound Pressure Level (In Decibels)
31.5	76
63	74
125	68
250	63
500	57
1,000.00	52
2,000.00	45
4,000.00	38
8,000.00	32

Table IIB: Pre-1960 Octave Bands	
Center Frequency Cycles per Sound	Maximum Permitted Sound Pressure Level (In Decibels)
20-75	75
76-150	70
151-300	64
301-600	59
601-1200	53
1201-2400	47
2401-4800	40

Section 13 Exceptions, Modifications, and Interpretations

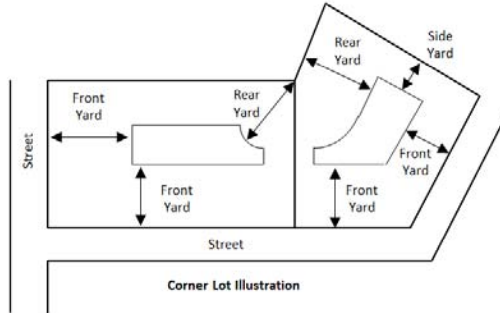
A. Height Limits

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply.

- 1. To places of public assembly in churches and schools, provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

B. Corner Lots

Any corner lot shall have two front yards of the required depth, two or more side yards of the required width, and a rear yard of the required depth. If no lot line exists that may be deemed the rear lot line, then the required rear yard depth shall be measured from a point most distant from the front lot lines at which two side lot lines intersect.



C. Decreased Front Yard for Agricultural or Residential Uses

The minimum front yard depth may be decreased on any lot having an agricultural or residential land use whenever:

1. There is a dwelling on each side and within 100 feet of said lot on the same side of the street and in the same block, and;
2. The average depth of the front yards of said dwellings is less than the front yard required by this Resolution for the proposed use on such lot.

In such case the required front yard depth of such lot may be the same or greater than said average, but not less than the front yard depth of any dwelling on a lot immediately adjoining.

D. Increased Side Yard for Agricultural or Residential Uses

In any "A" or "R" district the required minimum width of any side yard adjoining a "B" district shall be doubled.

E. Location and Relationship of "I-1" District to Other Zones

The "I-1" or "PD-I" Zone shall not have a common boundary at any point with a "R-1", "R-2", "R-3", "R-4", "R-5" or "PD-R" Zone. Common boundary shall be interpreted to mean either the property directly abuts or a public right-of-way separates the zoning districts. The only exceptions to this regulation will be those areas in existence prior to the adoption to the Zoning Resolution Amendment.

F. Projections into Required Yards

Architectural features may project into required yards or into courts as follows:

1. Into any required front or side yard adjoining a side street:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
 - b. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
 - c. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 - d. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three sides, except for railing or banisters.
 - e. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.

2. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
3. Subject to the limitations in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

G. Frontage on Cul-De-Sac for Agricultural or Residential Land Uses

The front lot line of a lot fronting on a cul-de-sac may be reduced to less than the minimum frontage required, provided the average width of the lot and the width of the lot at the building line is equal to or more than said required frontage.

H. Traffic Visibility across Corner Lots

On a corner lot, no fence, structure or planting which is an obstruction to vision and which is in excess of 3 feet in height shall be erected or maintained within 30 feet of the point of intersection of the two lot lines adjoining the two streets.

I. Location of Rear Dwellings in an "A" District

A rear dwelling in any "A" District shall conform to all yard, parking and driveway requirements of this Resolution for a principal dwelling in the district where it is located, and for the purpose of determining the front yard required in such case, the rear line of the rear yard required for the principal dwelling shall be considered the front line for the rear dwelling. In addition there shall be provided for any such rear dwelling an unoccupied or unobstructed access way of 20 feet wide or wider. (Revised August 5, 2002)

J. Lighting

All lighting shall be designed as to prevent a glare at eye level on surrounding public or private property in an area used for residential purposes. See Article 13, Section 17 for applicable lighting standards.

Section 14 Permitted Accessory Uses and Standards [Revised December 15, 2014]

A. Permitted Accessory Uses and Regulations for Agricultural Land Uses

The following are permitted accessory uses and standards for buildings, structures, and land uses customarily incidental to the permitted uses in Article 6 Agricultural District.

1. Incidental farming, provided any structure in which farm animals are kept is located one hundred (100) feet or more from all adjacent properties and provided all farm animals are penned one hundred (100) feet or more from any dwelling on adjacent property.
2. The maximum all combined accessory uses and buildings may occupy in the rear yard is 35%.
3. Accessory uses and regulations from Permitted Accessory Uses and Regulations for Residential Land Uses below.

B. Permitted Accessory Uses for Residential Uses

The following are permitted accessory uses and standards for buildings, structures, and land uses customarily incidental to the permitted uses in Article 7 Residential District.

1. A home occupation shall not include any activity that is detrimental or injurious to adjoining property. A home occupation shall meet all of the following conditions:
 - a. Shall be conducted entirely within a completely enclosed structure;

- b. External evidence of the occupation shall not be detectable at any lot line;
- c. The interior/exterior of the dwelling shall not be structurally altered to comply with nonresidential construction codes, nor shall additional structures be built on the property to accommodate the home occupation;
- d. Shall have no outside storage either on a temporary or overnight basis, or within an enclosed accessory structure;
- e. Not more than one (1) vehicle of not greater than three-quarter (3/4) ton rated capacity, which indicates, by signage or other means, that it is used in a business, shall be parked on residentially zoned property or in a public street or alley adjacent to residentially zoned property. No vehicle used in connection with a home occupation which requires a commercial driver's license to operate shall be parked on the lot or any street adjacent to the lot;
- f. Shall have no exterior advertisement, sign or display, on or off the premises;
- g. Shall have no modification or activity which would indicate from the exterior of the structure that the premises are being used for anything other than a dwelling unit;
- h. Shall not employ more than one (1) person other than members of the immediate family (whether such family member is an occupant of the house or not) or occupants residing lawfully on the premises;
- i. Shall not change the residential character of the lot and dwelling, nor alter the exterior appearance of the principal building from that of a dwelling for human habitation, nor require the installation of machinery or equipment other than that customary to domestic, hobby, craft, artisan, standard office or ordinary household activities;
- j. Shall have no exhibits or displays of goods, wares, or merchandise unless the property is zoned for such use;
- k. Shall not create a nuisance by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation;
- l. Shall not create a fire hazard; health hazard; air, land or water pollution hazard; explosion hazard or accumulation of pests, rodents, flies or vermin;
- m. Shall be conducted as an accessory use that is clearly incidental and secondary to the residential use of the premises, shall not use an area exceeding twenty five percent (25%) of the gross floor area of the dwelling, nor cause a substantial increase in any utility usage;
- n. Nothing herein shall be construed to allow animal breeding or hospitals, pet grooming, commercial kennels, commercial stables, veterinary offices, clinics, hospitals, barber shops, beauty parlors, contractor's yards, dancing schools, junk yards, lodging houses, lodges, massage parlors/therapy clinics, restaurants, rental outlets, or vehicle repair shops as home occupations;
- o. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard. In no event shall any home occupation:
 - i. cause or result in any vehicular traffic in excess of five (5) vehicles per twenty-four (24) hour day other than that resulting from persons residing upon the premises;

- ii. cause or result in the entrance upon the property of more than three (3) persons at one time, other than persons residing on the premises;
 - iii. cause or result in any persons waiting or congregating outside the residential building for a time longer than is reasonably necessary to leave that building;
 - iv. cause or result in more than one (1) delivery per week from a commercial supplier in a vehicle larger than a step van and in no event shall any such delivery restrict the flow of traffic.
 - p. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
2. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Temporary Storage Units for a period not to exceed thirty (30) days per calendar year. Temporary Storage Units shall be placed outside of any public right of way and shall be placed on a paved surface.
4. Accessory Building (Private garage, carport, storage shed). When detached cannot exceed seven hundred and twenty (720) square feet.
 - a. Shall be located in the rear or side yard provided it conforms to the side yard requirements of the lot and is placed five (5) feet or more from the rear lot line. However, if placed in the rear half of the rear yard, then it shall be located a minimum of five (5) feet from any lot line, provided each and every part of the building is closer to the rear lot line than to any part of the main building.
5. A swimming pool, bath house, and other recreational facilities designed for the use of the occupants of residential dwellings and their guests. Swimming pools shall comply with the following conditions and requirements:
 - a. Shall be located in the rear or side yard provided it conforms to the side yard requirements of the lot and is placed five (5) feet or more from the rear lot line. However, if placed in the rear half of the rear yard, then it shall be located a minimum of five (5) feet from any lot line, provided each and every part of the building is closer to the rear lot line than to any part of the main building.
 - b. The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a gate and lock. Such four (4) foot fence or wall may be an extension of the side walls of the swimming pool if controlled access is reasonably prohibitive.
6. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such buildings are used for the occasional housing of guests of the occupants of the principal building, and not for rental units or for permanent occupancy.
7. A child's playhouse, tree house with the enclosed area not to exceed one hundred (100) square feet.
8. Statuary, arbors, trellises, barbecue equipment, flag poles, play equipment, non-mechanical laundry drying equipment, fences, walls and hedges or bird-house.
 - a. A fence or wall, may be erected, placed, maintained, or grown along a lot line. The maximum height of fences and walls located in any front yard shall be four (4) feet and shall be subject to the Traffic Visibility Access Corner Lots requirement of this Resolution. The maximum height of fences and walls in side and rear yards shall be six (6) feet. A tennis court may have a maximum ten (10) foot high fence. Any tennis

court fence over six (6) foot high shall be of material that is green, brown or black vinyl clad chain link.

- b. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross-elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences or ornamental iron fences.
9. Fallout Shelters
10. One (1) piece of recreational equipment or one (1) recreational vehicle may be stored or parked outdoors subject to the following provisions:
- a. At no time shall any recreational equipment or recreational vehicle be used for living or housekeeping purposes.
 - b. No recreational equipment or recreational vehicle shall be parked or stored:
 - i. In a front yard;
 - ii. Within the required minimum side or rear yard setback.
 - c. Recreational equipment or a recreational vehicle shall be parked or stored on an improved surface such as concrete, asphalt, laid pavers or other impervious material. Such impervious surface shall encompass the entire footprint of the equipment or vehicle being parked or stored.
 - d. Areas used for the parking or storage of recreational equipment in excess of eight (8) feet in height or a recreational vehicle in excess of eight (8) feet in height shall be parked or stored in an area shall be screened from adjacent property by a one hundred per cent (100%) opaque solid evergreen hedge which retains its needles or leaves the entire year. The height of any such hedge shall be equal to at least the highest point of the recreational equipment or recreational vehicle or any item on top of either up to a maximum height of eight (8) feet.

Areas used for the parking or storage of a recreational vehicle less than eight (8) feet in height or recreational equipment less than eight (8) feet in height shall be screened from view by either a one hundred per cent (100%) opaque solid evergreen hedge of a variety which retains its needles or leaves the entire year or by a solid fence constructed of cedar, redwood, southern pine; synthetic or pressure treated material that has the functional equivalence of natural wood; or a wall of brick, stone or other similar permanent material. However, concrete block or plywood is not permitted. Any such fence or wall shall be a minimum of six (6) feet in height. Any hedge shall be equal to either the height of the highest point of the recreational vehicle or recreational equipment or any item on top of either but in no case shall said hedge be required to be in excess of eight (8) feet.

Any such screen shall be no less than five (5) feet longer than the recreational equipment or recreational vehicle, including the bumper, tongue or coupling being screened.

- e. Notwithstanding the provisions of paragraph b above, recreational equipment or a recreational vehicle may be parked on an improved surface, for loading or unloading, for a period of not more than seven (7) days at any one time but no more than a total of forty-five (45) days per calendar year.
- f. All recreational equipment or a recreational vehicle shall be kept in good repair and carry a current year license and registration. No person shall permanently remove the wheels or similar transporting devices. Notwithstanding the provisions of

paragraph b above, recreational equipment or a recreational vehicle may be parked on an improved surface for routine maintenance for a period of not more than seven (7) days at any one time but no more than a total of forty-five (45) days per calendar year. No such recreational equipment or recreational vehicle shall otherwise be fixed to the ground.

- g. The ground area under and immediately surrounding where the recreational equipment or recreational vehicle is parked or stored shall be kept neat and clean at all times. Spider webs, debris, excessive dirt, weeds, and untrimmed or dead vegetation on, adjacent to or under the recreational equipment or recreational vehicle are prohibited.
 - h. The recreational equipment or recreational vehicle shall be maintained in good condition and shall not be damaged, have any broken windows, broken, damaged or missing pieces, parts or flat tires.
 - i. The maximum height of recreational equipment and/or recreational vehicle shall not exceed twelve (12) feet.
 - j. The maximum length of recreational and camping equipment and/or recreational vehicle shall not exceed thirty-five (35) feet.
11. Open storage of the following items in locations as designated, and subject to the condition that all specific storage location shall be maintained free from weeds, overgrowth, and debris:
- a. Lawn and patio furniture when in usable condition and kept in good repair, if stored in a reasonable condensed and centralized area located in the rear yard. Carports and covered patios shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport and/or covered patio, when there are such walls.
 - b. Lawn and garden equipment when in usable condition and kept in good repair, if stored in a reasonably condensed and centralized area located either against the buildings' rear wall or within the rear yard in an area well screened from surrounding properties. Carports shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport, when walls exist.
 - c. Customary "can-type" trash containers when in usable condition with securely fitted lids, if stored upright against the building's rear or side wall, or stored within the rear yard in an area well screened from surrounding properties. Carports shall be designated also as acceptable locations for open storage of the item or items described, of such carport, when there is such a wall or walls.
 - d. Firewood and other solid heating fuels when stacked or piled in a reasonably compact and orderly fashion within the rear yard, and when intended for use in the present or upcoming heating season. Such storage shall be subject to all applicable fire regulations.
 - e. Liquid and gas heating fuel containers when in use and kept in good repair, if stored to the rear or side of a building, or in the rear yard in an area well screened from surrounding properties. Such storage shall be subject to all applicable fire regulations.
12. Recreational Courts and/or recreational court lighting shall require approval as a conditional use by the Board of Zoning Appeals when all of the following conditions are met:
- a. The recreational court is located in the rear yard.

- b. The recreational court is located on a lot of two (2) acres or larger.
 - c. The recreational court maintains a minimum forty (40) foot side yard and eighty (80) foot rear yard.
 - d. Any lighting used to illuminate the recreational court shall be equipped with a suitable shield or be so designed as to prevent glare at eye level on surrounding public or private property.
13. On a corner lot, no fence, structure or planting which is an obstruction to vision and which is in excess of three (3) feet in height shall be erected or maintained within thirty (30) feet of the point of intersection of the two (2) lot lines adjoining the two (2) streets.
14. One (1) utility trailer which does not exceed eight (8) feet in width, eight (8) feet in height and an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling subject to the following provisions:
- a. A maximum of one (1) utility trailer may be parked or stored on any lot. Such parking or storage shall be prohibited in any front yard. No utility trailer may be parked within the required minimum side or rear yard setback. A utility trailer shall be parked or stored on an improved surface such as concrete, asphalt, laid pavers or other impervious material.
 - b. Areas used for the parking or storage of a utility trailer shall be screened from adjacent property by a one hundred per cent (100%) opaque solid evergreen hedge of a variety which retains its needles or leaves the entire year or a solid fence constructed of cedar, redwood, southern pine or synthetic or pressure treated materials that have the functional equivalence of natural wood; a wall of brick, stone or other similar permanent material. However, concrete block or plywood is not permitted. Any such hedge, fence or wall shall be a minimum of six (6) feet in height.

Any such screen shall be no less than five (5) feet longer than the utility trailer, including the bumper, tongue or coupling being screened.
 - c. The utility trailer may be temporarily for a period of time not to exceed forty-eight (48) consecutive hours within any seven (7) day period but no more than a total of forty-five (45) days per calendar year. Such temporary parking of a utility trailer is not subject to the screening requirements of this article.
 - d. The ground area under and immediately surrounding where the utility trailer is parked or stored shall be kept neat and clean at all times. Spider webs, debris, excessive dirt, weeds untrimmed or dead vegetation on, adjacent to or under the utility trailer are prohibited.
 - e. All covers, tarps or any other material employed to protect a utility trailer from the elements shall be secured to the utility trailer, weatherproof, and a solid color and in one piece without holes or tears. Rocks/bricks or other weighted items may not be used to secure the cover or tarp.
 - f. The utility trailer shall be in operable condition. No person shall remove the wheels or similar transporting devices, nor shall such utility trailer be otherwise fixed to the ground in any manner.
 - g. The utility trailer without a valid, current license plate may not be parked or stored outdoors.
 - h. The utility trailer shall not be connected to electricity, water, gas or sanitary sewer facilities other than for temporary maintenance purposes; and at no time shall the utility trailer be used for living, sleeping, or housekeeping purposes.
 - i. No person may conduct any type of business from any utility trailer.

15. Overnight parking or open storage of trucks which are a maximum of one and one-half (1 ½) ton rated capacity or which has an enclosed storage area no greater than eight (8) foot wide, ten (10) foot in length and five (5) foot in height measured from the bed of the truck; buses, semi-tractors/trailers, and/or mobile homes of the same dimensions as defined above.
16. Water Discharge on Property. No resident may directly or indirectly discharge the water from a swimming pool, sump pump, downspout or other similar source within ten (10) feet of the property line separating adjacent properties or street right of way. When applicable, water drainage may discharge directly into the storm sewer system subject to approval by the Washington Township Public Works Department. In the case of chlorinated pool water, or similar treated water sources, EPA guidelines for decontamination shall be adhered.
17. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in this Resolution.
18. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
19. The maximum building height of an accessory building or structure for a single-family, two-family or three-family residential use shall be 15 feet.
20. The maximum building height of an accessory building or structure for a multi-family or non-residential use shall not exceed 18 feet in height or the height of the principal building whichever is less
21. Metal 'dumpster' trash containers of the type and size customarily found in conjunction with permitted two-family, multi-family, and business uses, if well screened from surrounding single-family residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting single-family residential lots.

C. Permitted Accessory Uses for Non-Residential Land Uses

1. Office Residential District Accessory Uses

- a. Accessory uses, buildings or other structures customarily incidental to the permitted uses in Article 9, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk, giving access to such activity.
- b. Home occupation as permitted in Article 13, Section 14 of this Resolution.
- c. The temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

2. Permitted Accessory Uses for Non-Residential Land Uses

- a. Accessory uses which are customarily found in conjunction with and required for the full utilization or economic viability of the principal use which meets the definition of accessory use in this Resolution, and which complies with the applicable standards of the district in which it is located is permitted.
- b. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work. [Revised June 21, 1999]
- c. A fence or wall, may be erected, placed, maintained, or grown along a lot line. The maximum height of fences and walls located in any front yard shall be four (4) feet and shall be subject to the Traffic Visibility Access Corner Lots requirement of this

Resolution. The maximum height of fences and walls in side and rear yards shall be six (6) feet. A tennis court may have a maximum ten (10) foot high fence. Any tennis court fence over six (6) foot high shall be of material that is green, brown or black vinyl clad chain link. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross-elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences or ornamental iron fences.

- d. Signs as regulated in Article 16 of this Resolution.
- e. Metal 'dumpsters' trash containers of the type and size customarily found in conjunction with non-residential uses, if well screened from surrounding residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting residential lots.
- f. Water Discharge on Property. No business may directly or indirectly discharge the water from a swimming pool, sump pump, Downspout or other similar source within ten (10) feet of the property line separating adjacent properties or street right of way. When applicable, water drainage may discharge directly into the storm sewer system subject to approval by the Washington Township Public Works Department. In the case of pool water, or similar treated water sources, EPA guidelines for decontamination should be adhered.

Section 15 Prohibited Accessory Uses

The following are prohibited as an accessory use:

- A. Open storage of, but not limited to; junk, refuse, miscellaneous discarded items, inoperative items and equipment, inoperative or unlicensed motor vehicles, recreational equipment, auto parts, auto accessories, or inoperative appliances.

Section 16 Recreational Facilities for Private Clubs, Planned Development, or R-5 Developments

Required Conditions

- A. All swimming pools shall be a distance of at least two hundred (200) feet from all residential property lines. In the case of Residential "PD's", the swimming pool shall be at least 200 feet from the exterior property lines of the development.
- B. Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted, if the use of same is for the occupants of the building only within which such equipment is installed and does not create a nuisance and disturb the peace of the other persons or properties in this or any other District.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property or upon any public street.

Section 17 Zoning Certificate Application Special Requirements

Plans for the following must accompany all applications for a zoning certificate for any non-residential land use. [Revised December 15, 2014]

- A. Lighting Requirements

- 1. Purpose

The intent of the lighting standards is to provide a level of illumination necessary for adequate, safe, and efficient movement of vehicles and persons without affecting

neighboring properties. Prior to the approval of a Zoning Certificate, a plan demonstrating compliance with the following exterior lighting standards will be submitted and approved for non-residential uses.

2. General Requirements

- a. Lighting for parking, loading, and service areas must all be consistent in color, size, height, and design.
- b. When field measurements of light readings are made, they are to be taken with a light meter at grade.
- c. All non-residential developments are required to provide exterior lighting for all exterior doorways, pedestrian pathways, and parking and loading/service areas.
- d. Apartments, townhomes, attached single-family, patio homes or residential development accessed by private streets with evenly distributed parking with clusters of five exterior spaces or less shall:
 - i. Illuminate all private streets or main traffic circulation aisles in compliance with this Section.
 - ii. Illuminate secondary areas for vehicle use, such as driveways or and motor courts by post mounted or wall mounted fixtures in keeping with the residential character of the area.
 - iii. All multi-family residential developments with clusters of six exterior parking spaces or more are to be illuminated in compliance with the required standard listed above for commercial developments.

3. Criteria

- a. All exterior lighting shall meet the following minimum standards and be demonstrated on all plan submittals:
 - i. 0.5 Foot-candles Minimum Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below this stated minimum.
 - ii. Lighting Uniformity Shall Not Exceed:
 - 10:1 Maximum to minimum light levels
 - 4:1 Average to minimum light levels.
 - iii. The color temperature of exterior illumination shall appear as natural or neutral ranging from a minimum of 2,200K (high pressure sodium) to a maximum of 5,400K (metal halide) as measured in Degrees Kelvin.
 - iv. Maximum height from the ground, excluding mounting of any lighting pole, including base, or wall mounted light shall be 28 feet.
 - v. Light Trespass Criteria
 - 1. Light originating on a site shall not be permitted beyond the site. A 0.0 foot-candle minimum measured at grade shall be required at the property lines.
 - 2. Outdoor Sports Facilities will be reviewed for compliance with regard to the intent of these exterior lighting standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - 3. Service station and service station/mini-mart canopy lighting and outdoor display area lighting used in conjunction with a vehicle sale, rental and

ancillary service establishment must not exceed an average lighting level of 25 foot-candles as measured horizontally at grade.

vi. Glare Control Criteria

1. All lighting shall be designed to prevent glare at eye level onto surrounding property or public right-of-way.
2. All other exterior lighting, including but not limited to doorways, architectural, accent, landscape, signage, decorative, security, floodlighting, or area lighting shall be “total cutoff type” or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from off site, except the following:
 - a. Lighting required by the Building Code for emergency egress when operating in emergency conditions; or
 - b. Light sources which do not exceed 2300 initial lumens or 4000 main beam candlepower.

B. Landscaping

1. Landscaping plans shall include information regarding the grass and/or ground cover, trees, hedges, and shrubs and information, regarding non-living material such as rock or wood, lighting fixtures, fences, walls, screening, benches, and other outdoor furniture. Plans shall also include any ponds or water management areas which are incorporated in the landscaping.
 - a. For all mounds of dirt, the plans shall indicate their height and area, their exact location from the right-of-way and property lines and the direction of storm water flow.
2. Landscaping shall be installed within thirty (30) days of the completion of the building, structure, or use applied for, or as soon as weather conditions permit if such period falls within the winter months.
3. All landscaping areas shall receive regular maintenance, including trimming, mowing, and replacement of diseased plant materials when required.
4. Landscape Buffer Strip
 - a. General. Whenever a "B", "O", or "I" (including "PD-B", "PD-O" or "PD-I") District adjoins an "A", "R" or "PD-R" District or where it adjoins a public street, a buffer strip shall be established along the entire length of the district boundary and/or along the public street. The landscaping plan must have the approval of the Director of Zoning and Development.
 - b. Landscaping Required. Said buffer shall be a yard landscaped with grass, evergreen ground cover or hardy shrubs, and also a row of deciduous shade trees each 2 inches or more in diameter spaced not more than 25 feet apart, located not more than 20 feet from public right-of-way. In lieu of the shade trees required, the property owners along State Route 725 may implement their portion of the Trustee approved landscape plan. In any buffer strip adjoining a lot in an "A", "R" or "PD-R" District and in addition to above required landscaping a compact hedge of evergreens, not less than 5 or more than 6 feet tall with a minimum base of 3 foot in diameter, shall be planted immediately inside and along the entire length of the common boundary line but not closer than 20 feet to a street right-of-way. The landscaping of said buffer shall be maintained in good condition, and such maintenance shall include trimming

and necessary replacement of landscaping and removal of debris and foreign objects. (See definition of compact hedge of evergreens). Deciduous trees must be wrapped and all types of trees must be staked for one year. When seeding slopes netting will be used and when sodding slopes sod staples will be used to hold in place.

- c. Use of Buffer. No building or structure shall be erected within the buffer, except for driveways of not less than 18 feet nor more than 36 feet wide leading to a public street.
 - d. Requirement for Occupancy Permit. Before an occupancy permit is issued for any building in a "B", "O", or "I" District, that portion of the buffer strip lying directly between said building and the district boundary line shall be landscaped as provided herein.
 - e. Dimension of buffer. The buffer strips shall have a minimum width of 20 feet measured from the street right-of-way line as shown on the thoroughfare plan or the district boundary if said boundary adjoins an A, R, or PD-R district on the same side of the street and in the same block or a minimum width as required by Article 13 Section 3 B. Off-street parking space and loading space shall be permitted anywhere except in a landscaped buffer strip. However, if a more restrictive requirement is provided for in this Resolution it shall control.
5. Landscaping. Every parking area shall be partially shaded by deciduous shade trees each 2 inches or more in diameter at the edge of and/or within said area. One such tree shall be located within said parking area for each 10 parking spaces and within 50 feet of every parking space. If a shade tree is required to be located within the parking area, the minimum planting area shall be at least 5 foot by 5 foot square with a 6 inch curbing for each required tree. When parking area is located on a lot in an "A" or "R" District, the required front, side and rear yards adjoining said parking area shall be landscaped with grass, evergreen ground cover or hardy shrubs.

C. Drainage and Grading Requirements

Drainage plans are required to assure that a drainage path (or paths) is provided to avoid possible flooding and ponding.

- 1. Drainage plans shall include a topographic map and drawings of existing drainage patterns and facilities.
- 2. Drainage plans should follow the natural topography as much as possible.
- 3. Drainage plans shall indicate, and include in the storm drainage system where possible, the existing natural drainage paths and water-courses such as streams and creeks.
- 4. Drainage plans shall include existing outfalls with the proposed development and within adjacent lands for both minor and major drainage systems. Plans must account for the external lands draining through the proposed development.
- 5. Drainage plans shall include method or methods for controlling, storing, and releasing storm water and be in compliance with the Montgomery County Drainage Regulations. (Revised January 8, 2001)
- 6. Grading plans shall include the elevations of future building or structure pads, and drainage patterns. (Revised January 8, 2001)

D. Street Location, Vehicle and Pedestrian Paths, and Public Property

- 1. Street plans shall include the location, dimensions and method of improvement for all driveways, parking areas, walkways, bikeways and means of access, ingress and egress, including curb cuts, within the development and on public and/or private roads which are affected by the development.

- a. Permits shall be secured from the Public Works Department for all driveway and other approaches which exceed 100 feet in length, or which will ingress/egress within 100 feet of an intersection or a stop sign. (Revised January 8, 2001)
2. Public property plans shall include the location, dimensions and method of improvement for all property to be dedicated to the public and/or public utilities.
 - a. Appropriate deeds and transfers with exact descriptions shall be furnished.

Section 18 Permitted Outdoor Sales

Notwithstanding any statement to the contrary in this Zoning Resolution, any business or non-profit organization may conduct temporary retail sales activities outside an enclosed building. This shall apply to property located in any "B", "I", "PD-B" or "PD-I" District subject to the following condition:

- A. A business or non-profit organization shall obtain a Zoning Certificate for the outdoor sales at least three (3) business days prior to the event.
- B. A business or non-profit organization that engages in a temporary outdoor sales activity shall be limited to the following time schedules:
 1. A promotional sales period not exceeding five (5) consecutive days with a frequency of no more than four (4) in any calendar year.
 2. Due to the seasonal nature and outdoor requirements of the following items, the sale of live plants, peat moss, bark, fertilizer, marble chips, top soil, sod and other packaged (not bulk) lawn and garden materials may be conducted for a period of one-hundred and fifty-five (155) consecutive days in a calendar year.
 3. The sale of seasonal holiday trees, greenery, and tree stands shall be permitted from November 1 through December 31st.
 4. The set-up time for the above mentioned outdoor sales shall be included within the respective allotted sales time.
- C. All clean-up of the area including removal of merchandise fixtures, etc. must be completed within forty-eight (48) hours after the cessation of sales activity and by the date specified on the Zoning Certificate, otherwise no additional certificates will be issued for any outdoor sales activity to be conducted on such parcel of land for a period of twelve (12) months after the date of the violation notice.
- D. Sales areas shall be maintained and allow for adequate pedestrian walkways, with such sales areas not extending into fire lanes. The placement of the sales shall not encroach upon any parking requirements of the district, with the sales activity itself being provided with an appropriate number of off-street parking spaces as specified by the Zoning Resolution.

Section 19 Open Space Transfer Lot

Open space required for residential lots by Lot Area Standards in "A", "R-1", "R-2", "R-3", "R-4", "R-5" and "PD-R" Districts shall be transferred by the developer of a plat to a Park Lot for permanent care and maintenance under the following conditions:

- A. Any residential lot established under the provisions of this section shall be known as an Open Space Transfer Lot.
- B. An Open Space Transfer Lot in an "A", "R-1", "R-2", "R-3", "R-4", "R-5" or "PD-R" District may have an area of not less than 80% of the district minimum and a frontage of not less than 90% of the district minimum. Minimum front rear and side yard may be reduced to not less than 90% of the district minimum.

- C. The Park Lot shall be located where it will serve the recreation needs of the residents of Open Space Transfer Lots, and shall be an improved lot with streets (recommended 400 feet of continuous road frontage be provided) and sidewalks installed, with a minimum area of 5 acres unless it becomes a part of a public open space totaling 5 acres or more.
- D. The area of the Park Lot in a "A", "R-1", "R-2", "R-3", "R-4", "R-5", or "PD-R" District shall be not less than the aggregate area by which all Open Space Transfer Lots are less than required by the lot Area Standard of the district within which the Open Space Transfer Lots are located.
 - 1. Any plat in which area, front, side or rear yard or frontage are reduced under this section shall increase the area of the Park Lot according to the provisions of Paragraph D, above, or not less than 5% of the gross plat area, whichever is the greater.
- E. Open space resulting from lot area reduction in a "PD-R" District may be maintained privately, or, if approved by the Board of Trustees, may be transferred to a Public Park Lot available to the general public and acceptable to the tax-supported Public Body responsible for its care and maintenance, or as provided by Paragraph F, below.
- F. In consideration of the acceptance for permanent care and maintenance of said improved Park Lot by a tax-supported Public Body selected by the Board of Township Trustees and responsible for public parks or recreation areas, title or guarantee of title for said Park Lot shall transfer from the developer, without compensation, to said Public Body; and no Zoning Certificate shall be issued for any Open Space Transfer Lot or planned development participating in open space transfer until certification of said acceptance and title transfer is on file with the Zoning Director. Where, because of size, location, terrain or other reason a Park Lot located within the proposed plat is not appropriate, or is not acceptable to said Public Body, funds shall be transferred by the developer to said Public Body for the purpose of acquiring an alternate improved Park Lot or public open space of equal or greater acreage outside said plat, as a means of maintaining the open space and/or density requirements of this Resolution. The funds shall be equal to the current appraised undeveloped land value of a Park Lot of equal acreage if it were located within the plat. Said value shall be established by the Board of Township Trustees which value shall be acceptable to the developer or if not acceptable to the developer shall be established by not less than two appraisers, provided the method of appraisal is approved by the Developer and the Board of Township Trustees. The Public Body shall use said funds, and additional funds if necessary, to acquire open space acreage, said acreage to be equal to or greater than the area of said Park Lot, and to be located in the unincorporated part of Washington Township in a Neighborhood Park not more than 3/4 miles from the plat, or if such a Neighborhood Park is already secured or established, then in a Community Park not more than three (3) miles from the plat, or if such a Community Park is already secured or established, then in other public open space not more than five (5) miles from the plat, unless the Board of Township Trustees approves a greater distance.
- G. The Public Body referred to in this section shall be the Washington Township Park District except as determined otherwise in a specific case by the Board of Township Trustees. Any funds received from the developer of a plat for the purposes described in Paragraph F above and transferred to the Washington Township Park District shall be placed in a Park District fund known as the Washington Township Park Fund and in an account identified by the name of the plat, and shall be used for no purpose other than the acquisition of open space to meet the requirements of this section and to preserve the density balance of the unincorporated part of Washington Township. The Washington Township Park District shall report the status of this fund annually to the Board of Township Trustees.

Section 20 Park Lot

One parcel of land approximately 5 acres in area shall be reserved for a Park Lot by the Zoning Commission in each Section of Washington Township provided 70% of said Section is zoned as a Residence District.

Section 21 Sexually Oriented Business Standards

- A. No sexually oriented business shall be established within 200 feet of the boundaries of any area zoned for residential use.
- B. No sexually oriented business shall be established within 200 feet of the boundaries of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- C. No sexually oriented business shall be established within 200 feet of the boundaries of any park or recreational facility attended by a persons under eighteen (18) years of age.
- D. No sexually oriented business shall be established within 200 feet of the boundaries of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- E. All building openings, entry ways, and windows of any building or structure in which a sexually oriented business is located shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public area, sidewalk or street. For new construction, the building or structure shall be oriented so as to minimize any possibility of viewing the interior from public areas.
- F. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public areas.

Section 22 Identification of Construction Sites

Any Principal Permitted building for which a Zoning Certificate is obtained for new construction shall display an identification sign to the street of not less than six (6) square feet nor more than sixteen (16) square feet, with maximum over all height of six (6) foot. On this sign clearly visible to the street shall be the following information: Name of owner or builder, address of building under construction, lot number, business or home telephone number. A twenty-four (24) hour emergency number shall be supplied to the Zoning and Development Office.

This sign must be displayed from the time the footer is dug until the building is occupied at which time the sign shall be removed.

This provision does not apply to additions or accessory structures. This sign is in addition to what is approved in Article 16 of the Resolution.

Section 23 Tennis Courts

Tennis court and/or tennis court lighting does not have to be approved as conditional use by the Board of Zoning Appeals if all of the following conditions are met:

- A. If the tennis court is located in the rear yard.
- B. If the tennis court is located on a minimum of 2 acres.
- C. The tennis court maintains a minimum forty (40) foot side yard and eighty (80) foot rear yard.

- D. Any lighting used to illuminate the tennis court shall be equipped with a suitable shield or be so designed as to prevent glare at eye level on surrounding public or private property.

Section 24 Residential Entrance Gate Requirements

- A. Residential entrance gates and accessory fencing are permitted in residential areas provided:
 - 1. Gate is constructed of wrought iron or wrought iron "look alike" material. The space between the wrought iron must be open.
 - 2. The entrance gates, post and lighting may not exceed eight (8) feet in height. Landscaping and fencing must be placed outside the official thoroughfare plan right-of-way. [Revised August 5, 2002]
 - 3. If accessory fencing extending from the main gate is of wrought iron material, then the accessory fence and post height may be up to five (5) feet.
 - 4. Gate and fencing must meet the Washington Township Fire Department standards and may not create a traffic visibility hazard for adjoining roadways and properties.
 - 5. The minimum lot size shall be 80,000 square feet with a minimum road frontage of 200 feet.
 - 6. A zoning certificate is required for the gate and accessory fencing.

Section 25 Internet Sweepstakes Cafes

- A. No person shall conduct or operate an Internet Sweepstakes Café at any premises or location within the boundaries of the unincorporated area of Washington Township without having first obtained a Sweepstakes Terminal Café license as well as a Sweepstakes Terminal Device license(s) through the Washington Township Development Services Department.
- B. Internet Sweepstakes Cafes are subject to the location requirements of Article 13, Section 24 of this Zoning Resolution.

Section 26 Small Wind Energy System

- A. Height Restrictions
 - 1. The total extended height of a small wind energy system shall not exceed the height restrictions imposed upon a building or structure for the zoning district in which the small wind energy system is located.

For purposes of Article 13(A), the "total extended height" shall mean the height above grade to a blade tip at its highest point of travel or the height above grade to the highest point of any component of the small wind energy system whichever is higher.
 - 2. No component of a small wind energy system shall be constructed, altered or maintained so as to project above any of the imaginary airspace surface described in FAR Part 77 of the FAA guidance on airspace protection.
- B. Location
 - 1. No component of the small wind energy system attached to a structure shall extend beyond any vertical wall of the structure to which it is attached.
 - 2. The base of a small wind energy system shall be setback a distance of at least 1.25 times the total extended height of the small wind energy system from:
 - a. Any public road right-of-way

- b. Any overhead utility line
 - c. All property lines unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with abutting property.
 - d. Any travel ways including, but not limited to, driveways, parking lots, nature trails, bike ways or sidewalks.
 - e. Any structure other than a structure to which it is attached.
3. The setback shall be measured to the center of the tower's base.
 4. Guy wires used to support the small wind energy system are exempt from setback requirements.
 5. A small wind energy system may not be located in a front or side yard.
 6. A small wind energy system may be attached to a structure provided that no part of the system exceeds the height limitations set forth in this section.
- C. Sound
1. A small wind energy system shall not exceed the limitations set forth in Article 13, Section 15 of this Resolution for the specific district in which the small wind energy system is located except during short term events such as severe wind storms and utility outages.
- D. Construction
1. A small wind energy system must be approved under any small wind certification program recognized by the American Wind Energy Association.
 2. Before any portion of a small wind energy system is constructed or installed, a zoning certificate shall be obtained. An application for such a permit shall be accompanied by the following:
 - a. Standard drawings stamped by an engineer registered in the State of Ohio of the wind energy system and engineering drawings of any tower base, footings, and/or foundation.
 - b. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 3. A small wind energy system shall conform to all applicable building and electrical codes and all permits and inspections required by any such codes shall be obtained.
 4. Any climbing foot peg or rungs below 12 feet from ground level shall be removed from the small wind energy system to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot be readily climbed.
 5. A small wind energy system shall be sited in a manner that does not result in a shadowing or flicker impact on neighboring or adjacent uses. For purposes of this provision, "flicker" refers to the moving shadow created by the sun shining on the rotating blades of the small wind energy system.
- E. Appearance
1. All signs, other than the manufacture's or installer's identification, appropriate warning signs or owner identification shall be prohibited. No banners, flags or streamers may be attached to any portion of the small wind energy system.

2. No portion of the small wind energy system may be illuminated unless such illumination is required by the Federal Aviation Administration (FAA).
 3. All portions of the small wind energy system shall be of the same color and of non-reflective finish.
 4. No device or equipment not part of the small wind energy system may be located on any portion of the small wind energy system.
 5. All components of the small wind energy system shall be securely fastened or attached to another portion of the small wind energy system.
- F. Abandonment
1. Any small wind energy system which is inoperable for more than six (6) months shall either be restored or removed by the owner on whose land the small wind energy system is located.

Section 27 Telecommunication Towers

The purpose of these regulations is to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers. In those instances where a Telecommunications Tower is made subject to Washington Township zoning pursuant to Section 519.211 of the Ohio Revised Code, and as the same may, from time to time, be amended, said Telecommunications Tower shall be erected, constructed, reconstructed, changed, altered, removed, or enlarged in accordance with the following provisions. (Amended December 18, 2017)

A. Maximum Allowable Height

The maximum allowable height for any free standing or attached structure proposed to have attached to it radio frequency transmission or reception equipment, which is located in a residential district and owned or to be principally used by a public utility engaged in the provision of telecommunications services, is eight (8) feet. Telecommunications Towers may exceed eight (8) feet in height if in compliance with all of the regulations of this Section.

B. Location, Co-Location, or Shared Use

1. Prior to approval of the location of a Telecommunications Tower, the applicant shall provide documentation that:
 - a. The proposed Telecommunications Tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration (FAA) or other federal or state authority, as applicable.
 - b. If the Telecommunications Tower is on leased property, the owner of the property has granted an easement or entered into a lease for the proposed Telecommunications Tower.
2. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing Telecommunications Towers. This shall include, but not be limited to, a certified mail announcement to all other Telecommunications Tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on an existing Telecommunications Tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of colocation versus new construction

and any Federal Communications Commission limitations on Telecommunications Tower sharing preclude co-location.

- a. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said Telecommunications Tower has reached full antenna capacity.
3. For any Telecommunications Tower that is in a highly visible location, it is strongly encouraged to employ alternate tower designs (“Stealth Designs”) or locations that mimic the surrounding environment, such as artificial trees, modified clock towers, church spires, flag poles, or building modifications. See the “Stealth Designs for Telecommunications Towers” paragraph of this section.

C. Structural Integrity

1. All new Telecommunications Towers or existing Telecommunications Towers which are to be certified by a structural engineer who is licensed in the State of Ohio to be in compliance with all current standards and requirements of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA), including, but not limited to, specification RS 222-F, and the Electronic Industries Association (EIA).
2. In order to ensure the structural integrity of Telecommunications Towers and to protect the public health, safety, and morals, Telecommunications Towers shall be subject to periodic inspections for continued compliance with the above Subsection as follows:
 - a. Mono-pole Towers shall be subject to inspections every ten years.
 - b. Self-Support (Lattice) Towers shall be subject to inspections every five years.
 - c. Guyed Towers shall be subject to inspections every three years.
3. Inspections are the sole responsibility of the Telecommunications Tower operator of record and shall be performed by a structural engineer licensed in the State of Ohio. Results of inspections shall be provided in writing to the Zoning Inspector. Based upon such results, the repair or removal of a Telecommunications Tower may be required.
4. All Telecommunications Towers shall be designed to accommodate the primary user’s antennas and comparable antennas for at least two additional users.
5. Maintenance of Telecommunications Tower sites shall adhere to the Township Property Maintenance Code provisions.

D. Lot Size

The minimum lot size shall be the minimum established for a non-residential structure for the zoning district in which the Telecommunications Tower is to be built.

E. Setbacks

1. Telecommunications Towers shall be set back from all property lines a minimum distance equal to the greatest front yard requirement for the district in which the Telecommunications Tower is located or 120% of the height of the Telecommunications Tower, whichever is greater.
2. Telecommunications Towers shall not be placed closer than 500 feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is to be constructed.
3. Any stabilization structures or guy wires shall not be placed closer than 50 feet from any lot line.

4. Height shall be measured from the base of the Telecommunications Tower to the top point of the Telecommunications Tower, including any antennas.

F. Screening and Landscaping

A detailed landscape plan and site sections shall be submitted for review, which shall demonstrate the following requirements have been satisfied:

1. Existing on-site vegetation shall be maintained to the greatest extent possible.
2. The outside perimeter of the security fence shall be planted with a staggered row of evergreen trees, a minimum of six feet in height, at time of planting, spaced not more than ten feet on center.
3. The owner/operator of the Telecommunications Tower facility shall be responsible for maintenance of all required vegetation and landscaping

G. Equipment Buildings

1. Equipment buildings shall be located within the security fencing.
2. Equipment buildings shall not exceed 12 feet in height.
3. Equipment shall be automated to the greatest extent possible to reduce traffic and congestion.
4. Buildings shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes.
5. The use of residentially compatible paint colors and materials, such as wood, brick or stucco is required for associated equipment buildings, which shall be designed to architecturally blend with residential buildings in the vicinity. If the building lies in a Planned Development district, the materials shall meet the standards of that district and the appropriate Planned Development approval process shall be required.
6. Where there is co-location of equipment upon Telecommunications Towers, no single provider of telecommunication services shall have more than one equipment building on site. Equipment buildings of different providers shall be arranged to appear as a single building as nearly as practical and possible.
7. Underground equipment structures are strongly encouraged.

H. Off-Street Parking

Parking shall be limited to two spaces, unless a need for more can be demonstrated at the time of application.

I. Lighting

Telecommunications Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State authority. When so required, a detailed lighting plan shall be submitted with the application, which shall demonstrate approval by the FAA, FCC, or any other governmental agency which has jurisdiction. The lighting plan shall also meet the following requirements:

1. All lighting required by the FAA shall be installed on the Telecommunications Tower immediately and must be fully operational at all times.
2. When required by the FAA, white strobe lights during the day will be permitted with red flashing lights required from dusk to dawn.

3. Ground level security lighting may be permitted, which includes freestanding and building mounted lighting, which shall be oriented inward, utilize full-cutoff fixtures no more than 12 feet in height and designed to minimize impacts on adjacent properties.
4. The lighting requirements located in Article 13, Section 17, A. shall apply.

J. Security Fencing

1. A security fence shall be required around the perimeter of the Telecommunications Tower site, which includes any equipment buildings, parking, etc.
2. The fence shall be limited to six (6) feet in height, which shall include a locked gate.
3. All chain link fencing shall be coated with a green or black vinyl material.
4. “NO TRESPASSING” signage shall be prominently posted.
5. Anti-climbing devices may be utilized, which may add an additional foot to the fence height; However, razor or barbed wire is not permitted.

K. Contact Information

The contact information of the owner/operator of the Telecommunications Tower shall be provided to the township at the time of application, and any changes shall be reported immediately. This contact information will be used to report any issues with the Telecommunications Tower and/or accessory facilities.

L. Abandonment

Any Telecommunications Tower is deemed abandoned by operation of law if it is not used for telecommunication purposes for 12 consecutive months. Any Telecommunications Tower deemed abandoned shall be demolished, along with all accessory equipment buildings and other associated structures by the township or an agent of the township within 180 days. All costs associated with demolition of the Telecommunications Tower, equipment buildings, and other associated structures shall be borne by the property owner of record, lessor, lessee, and/or operator of the Telecommunications Tower.

M. Accessory Telecommunications

Accessory Telecommunications shall be permitted within a right-of-way, a utility easement, or on private property, provided the criteria of this section are met. Accessory Telecommunications are not subject to the requirements of paragraphs (D), (E), (F), (G) and (J) of Section 27, Article 13 of this Resolution.

1. Accessory Telecommunications up to fifteen (15) feet in height shall be permitted in areas where all utilities are underground, provided that:
 - a. A Stealth Design shall be utilized subject to the process and requirements of paragraph (14) below.
 - b. For the purpose of this section, smaller ground mounted electrical boxes shall not be considered an aboveground utility.
2. Accessory Telecommunications up to thirty-five (35) feet in height shall be permitted inside of a right-of-way or a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
 - a. The requirements of paragraph (B) of this section, with regard to “Location, Colocation or Shared Use” shall apply.
 - b. The location is within 100’ of an existing overhead utility line.

- c. The preferred location is along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by the Montgomery County Thoroughfare Plan. If it cannot be located in such an area, documentation shall be provided regarding the efforts that have been exhausted in attempts to meet these locations.
 - d. Accessory Telecommunications shall be located on existing utility poles where practical. If a new utility pole is required, it should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as the existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Accessory Telecommunications shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.
 - e. If a new utility pole is required, it shall be designed to accommodate the primary user's antenna and a comparable antenna for at least one additional user.
 - f. Any ground mounted equipment shall be completely screened with landscaping providing year-round screening.
 - g. Accessory Telecommunications shall not obstruct adequate sight distance at intersections.
 - h. Lighting shall not be permitted on Accessory Telecommunications, unless it is integrated as a light pole that matches other light poles in the vicinity.
3. Accessory Telecommunications up to sixteen (16) feet in height shall be permitted outside of a right-of-way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
 - a. The Accessory Telecommunications shall be regulated as an Accessory Structure with regard to location. Additionally, they shall also be set back from all principal structures on adjacent properties a minimum distance equal to the overall height of the Accessory Telecommunications.
 - b. If located in a recorded subdivision, and at least 100' from any overhead utilities, all wiring and cable shall be buried underground. Additionally, if the Accessory Telecommunications is located on a tower, it shall be a decorative pole with the equipment disguised or screened from view.
 4. All other Accessory Telecommunications are prohibited.
- N. Stealth Designs for Telecommunications Towers

Stealth Designs for Telecommunications Towers may be considered as an alternative to the requirements of this section in all areas of the township as a Conditional Use by the BZA in accordance with Article 2, Section 3 (Board of Zoning Appeals; Jurisdiction: Appeals and Applications). In addition, the following requirements shall be satisfied:

1. All Stealth Designs shall utilize the latest technology that is available for the purpose of blending the structure into the environment.
2. The Stealth Design shall render it minimally visible to the casual observer.
3. It may be attached to an existing structure, if it is designed to integrate seamlessly into the structure that it is attached to with regard to architecture, materials, color, etc. The overall design shall not substantially increase the height of the structure on which is located, nor shall it substantially project off the face of the structure

4. It may be constructed as a new freestanding structure, if it is designed to be consistent and complimentary to the surrounding structures and area with similar architecture, materials, color, height, scale, etc.
5. It may be constructed in a freestanding manner that mimic other features that are present in the immediate vicinity, such as street lights, trees, etc. It shall be virtually identical to the feature that it is mimicking and shall maintain the same height, size, pole diameter, fixture type, tree species, etc.
6. All related equipment, electrical boxes, conduit, wiring, mounting equipment and the like shall not be visible.



Fig. Examples of Stealth Designs for Telecommunications Towers

Stealth Designs that do not comply with the Conditional Use criteria, the above requirements and other related factors shall not be approved.

- O. The Board of Zoning Appeals shall have the power to hear and decide conditional use requests considering whether the proposed tower or pole is in keeping with the intent of this Resolution and policy established by the Board of Trustees to maintain the public health, safety and general welfare of the residents of Washington Township.
 1. In addition to the standards for a conditional use provided in Article 2, Section 3, in considering an application for a Telecommunications Tower or pole, the Board shall give due regard to the following:
 - a. The nature and condition of all adjacent uses, structures, and existing utility infrastructure.
 - b. Ensure that the height and location of the tower or pole has been approved by all other governmental agencies charged with the responsibility of maintaining air or traffic safety.
 - c. The Board shall also consider the availability of other locations in the right of way, the impact of the proposed location on the public health, safety, and welfare, and the degree of disruption to residents that may result from the use of that portion of the right of way.
 - d. The Board shall also ensure that no other structure is located within a distance from the base of the tower or pole that is less than the height of the tower or pole itself.
 - e. If the application is approved, the Board of Zoning Appeals may impose conditions and requirements as deemed necessary for the protection of adjacent properties and the public interest.
 2. When the Board of Zoning Appeals is considering Telecommunications Towers or poles in the right of way or front yard, the following minimum conditions are to be met: In areas

where overhead utilities exist, the telecommunication provider shall first make every effort to co-locate on an existing pole or structure. If it is proven this cannot be accomplished, the provider may install a “stealth” tower or pole of satisfactory aesthetic design and material at a height not to exceed the height of the existing utility poles or twenty-five (25) feet, whichever is less. This Telecommunications Tower or pole must be located on the same side of the street as the existing utility poles or the provider shall demonstrate why that is not feasible. Only then can a new Telecommunications Tower or pole be considered for installation on the opposite side of the street from the existing utility poles. In no instance shall overhead power or utility lines be permitted to extend across the street to the newly installed Telecommunications Tower or pole. All lines shall be underground.

- P. Any person or company proposing to construct a Telecommunications Tower or pole within a right-of-way, utility easement or on private property in an area zoned for residential use or within one hundred (100) feet of a residential dwelling shall provide written notice of its intention to construct a Telecommunications Tower or pole by certified mail to each owner of property whose land is contiguous to or directly across the street from the a Telecommunications Tower or pole is proposed to be located, as well as to the Township Board of Trustees in accordance with R.C. 519.211(B)(3) as it may be amended from time to time. Notices to property owners and the Zoning Inspector must state the intention to construct a tower or pole, provide an identifiable description of the property, and advise property owners that they have 15 days after the date of mailing the notice to give notice to the Board of Township Trustees requesting that the tower or pole be subject to township zoning. Within five (5) days after the Board of Township Trustees either receives a notice from an affected property owner or a Township Trustee objects to the location of the proposed Telecommunications Tower, such that township zoning will apply to the proposed Telecommunications Tower or pole, the Fiscal Officer will provide written notice to the person or company advising that the person or company will be subject to the terms and conditions of this Zoning Resolution. However, failure of this notice shall not be grounds to deprive the Board of Zoning Appeals of jurisdiction over the application. If no notice is received from a property owner and no objection is filed by a Township Trustee, then the Board of Zoning Appeals shall not exercise jurisdiction over the application as described in the preceding paragraph.

Article 14: Repeal of Conflicting Resolutions

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Section 1 When Effective

As provided under Section 519.11 of the Ohio Revised Code, "Upon certification by the Board of Elections, the Resolution shall take immediate effect if the plan was so approved."

Section 2 Repeal of Conflicting Resolutions

Any Zoning Resolution in conflict with this Resolution is hereby repealed.

Article 15: Definitions

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Section 1 Purpose

Unless the context otherwise requires, the following definitions shall be used in the interpretations and construction of this Resolution; and words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; and the word "shall" is mandatory and not directory. If not defined in this Article, the definition of a word defers to the commonly accepted definition.

Section 2 'A' Definitions

Accessory Telecommunications

Telecommunications Towers between eight feet and thirty-five feet in height, including Distributed Antenna Systems (DAS) and small cells sites, communication nodes, antennas, fiber-optic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger Telecommunications Towers and reduce the need for additional larger Telecommunications Towers. (See Article 13, Section 27)

Accessory Use

A building or use which is subordinate to and incidental to that of the main building or use on the same lot.

Accessory Banking

A banking service office which may or may not include automated teller machines and does not include drive-through services of any kind.

Active Recreation

Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.

Aggregate Site

An area formed by one or more pieces of property which is intended to be used in a coordinated manner.

Agriculture

"Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agriculture Structure

A structure used solely for the purpose of agriculture.

Animal Hospital

An establishment where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel for keeping such animals shall be incidental to the primary hospital function.

Antenna

Any exterior transmitting or receiving devices mounted on a tower, pole, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. (See Article 13, Section 27)

Artificial Plant Materials

See **Landscaping**

Architectural Feature

Ornamentation or decorative feature(s) attached to or protruding from an exterior wall. Such features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Association

A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization’s activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a Homeowner’s Association, Community Association, Condominium Association or other similar entity.

Automated Teller Machine (ATM)

An automated device that performs banking or financial functions as a location remote from the controlling financial institution. ATMs located within a building shall be considered an accessory use to the principal use.

Automobile or Trailer Sales Area

An open area, other than a street, used for the display, sales or rental of new or used operable motor vehicles or trailers; and where no repair work is done.

Automobile Service Stations

A place where gasoline, or any other motor fuel, kerosene or lubricating oil or grease for the operation of motor vehicles are offered for sale to the public at either self or full service; may include greasing and oiling on the premises, and replacement or installation of parts and accessories of a minor nature and the performance of minor repairs and servicing such as tuning-up an automobile engine, changing tires but not including the storage of inoperable vehicles.

Automobile Service Station, Repair Garage

A place where gasoline, or other motor fuel, kerosene or lubricating oil or grease for the operation of motor vehicles are offered for sale to the public may include greasing and oiling on the premises and replacement or installation of parts and accessories, and the performance of major repair, spray painting, upholstery work, auto glasswork, welding, tire recapping, radiator repairs and other similar major mechanical work.

Automobile Washing Establishment

Any structure or part thereof used for washing of automobiles either by manual or assembly line techniques, utilizing employees or an occupant of the automobile or a combination of both.

Automobile Wrecking

The dismantling or disassembling of motor vehicles or trailers or the storage, sale or disposal of motor vehicles or trailers which are either inoperable, dismantled, partially dismantled or damaged.

Section 3 'B' Definitions

Board

The Washington Township Board of Zoning Appeals.

Brick

Nominal modular sizes of brick that meet ASTM Designation C-216 (solid masonry units made from clay or shale). A masonry building material. A Brick shall be a minimum depth of 3-1/4 inches and have a footer/foundation or panel construction and have a footer/foundation or panel construction.

Buffer

A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.

Buffer Strips

An area utilizing open space with the dispersion and absorption qualities of trees and other vegetation in the dissipation of noise, odors or unsightly conditions.

Building

Any permanent or stationary structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property. At no time shall this definition be construed to include mobile homes or manufactured homes.

Building, Principal

A non-accessory building which is used to conduct the principal use of the lot on which the building is located.

Building, Public

Administrative, service or cultural building operated by a tax supported agency, but not a garage or warehouse.

Building, Temporary Construction

Structures of a temporary nature erected for a period not to exceed twelve (12) months for such uses as construction offices or storage buildings at a construction site with a floor area not to exceed 15 foot by 20 foot.

Building Articulation

Architectural composition in which elements and parts of the building are expressed logically, distinctly, and consistently, with clear joints.

Building Canopy

A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

Building Coverage

The horizontal area measured from the outside of the exterior walls of the ground floor of a structure.

Building Envelope

An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the Washington Township zoning regulations.

Building Frontage

The maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right of way of at least 50 feet in width. In the case of a building where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by 2 or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only 1 distinct and separate building frontage for signage Purposes.

Building Height

The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip and gambrel roofs.

Building Setback

The closest point at which a building may be constructed in relation to the lot line.

Building Screen Wall

A wall which can be solid or perforated with decorative, architectural elements hiding or screening a view associated with a building.

Section 4

'C' Definitions

Caliper

A horticultural method of measuring the diameter of nursery stock. For trees less than four (4) inches in diameter, the measurement shall be taken at six (6) inches above the ground level. For trees greater than four (4) inches in diameter up to and including twelve (12) inches, the caliper measurement shall be taken at twelve (12) inches above the ground level. For trees greater than twelve (12) inches in diameter, the measurement shall be taken at four and one-half (4 ½) feet above the ground.

Church

A building used as a place of religious worship including a church, religious temple or other place of worship, including parish house and educational unit.

Civic Space

An open area which may include parks, greens, squares, plazas and playgrounds commonly open to the general public and available for use and enjoyment of the public.

Clinic

An establishment where patients, animal or human are not lodged overnight, but are admitted for examination and treatment by a doctor or group of doctors practicing medicine and/or dentistry together.

Club, Private

A building or portion thereof, or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, not primarily for profit nor to render a service which is customarily carried on as a business.

Co-location/Shared Use

Use of a common Telecommunications Tower or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a Telecommunications Tower on a structure owned or operated by a utility or other public entity. All new Telecommunications Towers shall be engineered, designed and constructed to be capable of sharing the tower with other providers, to co-locate with other existing wireless communications tower and to accommodate the future collocation of other wireless communications towers. (See Article 13, Section 27)

Commercial Speech

Speech done on behalf of a company or individual that is economic in nature and usually has the intent of convincing the audience to partake in a particular action, often purchasing a specific product.

Commission

The Washington Township Zoning Commission.

Common Area

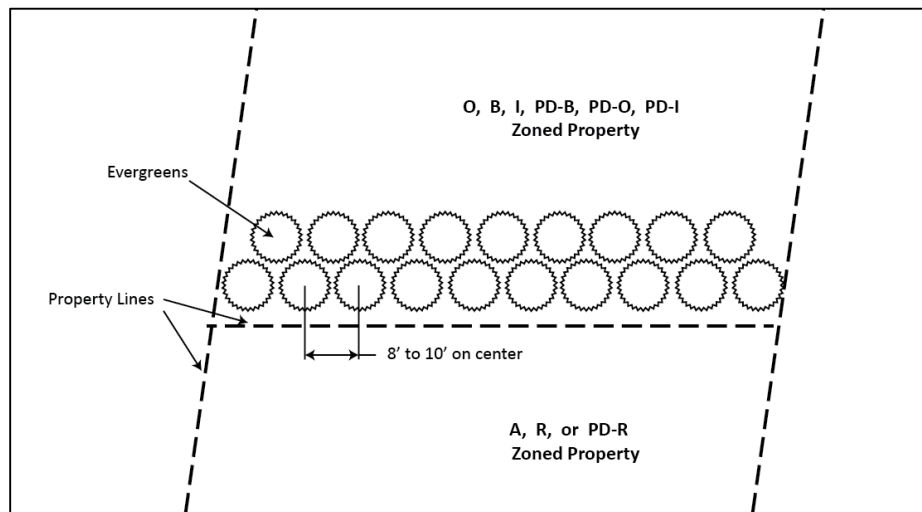
Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

Common Open Space

A publicly or privately owned area substantially open to the sky which may be on the same lot with a building, or adjacent to a building or buildings.

Compact Hedge of Evergreens

Pine or Spruce trees such as Black Hill Spruce, Norway Spruce, Colorado Spruce, White Pine, Austrian Pine or Scotch Pine arranged in a staggered manner in such a way to form a visual barrier (see drawing below).



Compatible

That which is consistent in building design, mass and construction; well matched and possessing harmonizing qualities.

Conditional Use

A use permitted other than a permitted use and/or accessory use within a district, requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals.

Conditional Use Certificate

A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a permitted use within a zoning district, provided that any conditions imposed by the Board of Zoning Appeals have been fulfilled.

Condominium

A dwelling for which a declaration has been filed submitting the property to the condominium form of ownership pursuant to Chapter 5311 of the Ohio Revised Code and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

Conservation Development

A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setback, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

Conservation Easement

A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property, as authorized by ORC 5301.67 through 5301.70.

Convalescent or Rest Home

An establishment which provides full-time convalescent or chronic care or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home.

Convenience Establishment

A business which is similar to a neighborhood business and is integrated within a residential Planned Development.

Convenience Use

A use that provides goods and services generally necessary or desirable for everyday living such as prepackaged food items, periodicals, and other minor household goods. Services can include dry cleaning, photo processing, and other similar activities.

Cord (Wood)

A unit of volume used chiefly for fuel wood, equal to 128 cu. ft. usually specified as eight (8) feet long, four (4) feet wide, and four (4) feet high.

Curb Cut

A break in the curb on a public or private street or access that allows vehicular ingress and/or egress between a property and the abutting street or access.

Section 5

'D' Definitions

Day Care Center

Any place which receives children for supervision and is required to have a license by the state or local officials to operate. This definition shall also include nursery, preschool centers, play and special schools.

Density

The number of dwelling units per gross acre constructed or allowed to be constructed.

Development Standards

Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines.

Distributed Antenna Systems (DAS)

Network of spatially separated antennas connected to a transport medium that provides wireless service within a geographic area or structure. (See Article 13, Section 27)

Dog Kennel

A building which may include outdoor pens or runs for dogs, which houses or is used for a fee for the boarding of four (4) or more dogs aged four (4) months or older, or an establishment for the breeding of dogs.

Drive-through Canopy

A freestanding roof structure over drive-through facilities.

Driveway

Pavement, be it asphaltic, portland cement binder, or other similar impervious material, which connects a public or private street with one structure or multiple structures.

Dwelling

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreational vehicle or other temporary or transient building.

Dwelling, Multiple-Family

A building designed for or occupied exclusively by two, three or four or more families.

Dwelling, Rear

A single family dwelling located on the same lot as and to the rear of a principal dwelling with kitchen facilities with a gross floor area of not more than one-half (1/2) the gross floor area of the principal dwelling.

Dwelling, Single-Family, Attached

Dwelling units that are structurally attached to one another, side by side, and erected as a single building, with a limit of six (6) units per building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

Dwelling, Single-Family, Cluster

A building that is designed and used exclusively by one family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.

Dwelling, Single-Family, Detached

A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.

Guest House

A single family dwelling located on the same lot and to the rear of a principal dwelling without kitchen facilities with a gross floor area of not more than one-half (1/2) the gross floor area of the principal dwelling and used only by the owners of the property and members of their immediate families, by persons employed on the premises and their immediate families, or for a period of not more than one month by non-paying guests of the owners. The guesthouse is not to be rented or leased.

Section 6 'E' Definitions

Earth Tone

Any of the neutral colors found in nature, such as cream, beige, light yellow, hunter green, brown, clay, taupe, slate blue.

Earth Tone Accent Colors

Colors which are complimentary or brilliant and sharply contrasting to the neutral base colors of a building or surrounding uses. Accent colors are to be no more than 20 percent of each side of the building's color. Examples of earth tone accent colors found throughout the township are hues and shades of: green, blue, yellow, red, orange, purple and colors found in glazed brick.

Earth Tone Base Colors

Neutral muted earth tone colors which are the primary base colors for a building or project. These colors are not to be sharply contrasting or bold and shall be complementary to surrounding land uses. Examples of earth tone base colors found throughout the township are beige, brown, grays, colors found in natural clay bricks.

Easement

Authorization by a property owner for the use by another, for a specified purpose, of a designated part of his property.

Eating Establishment, Carry Out/Take-Out

Establishments where food is typically ordered off-site, prepared on the premises for consumption off-site with no seating or other area provided for consumption on-site. Food may be delivered from the site and/or picked up by the customer at the site.

Eating Place

An establishment, other than a dining room operated by a hotel, motel or private club offering food and beverages which may include liquor, beer and wine, if licensed by the State of Ohio, for consumption only inside the building.

Eating Place with Live Entertainment

An establishment having the attributes of an Eating Place, and which also provides live entertainment.

Eating Place Carry Out

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption within the building or off the premises.

Eating Place Drive-In or Drive-Thru

An establishment offering food and beverages, which may include liquor, beer and wine if licensed by the State of Ohio, where the food and beverages are served directly to persons while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

Equipment Building

Any structure used to contain ancillary equipment for a Telecommunications Tower which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures. (See Article 13, Section 27)

Section 7 'F' Definitions

Family

One or two persons or parents, with their direct lineal descendants and adopted children together with not more than two persons not so related, or a group of not more than four (4) persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Farming, Incidental

Gardening, the raising of vegetables or fruits and the keeping of domestic or farm animals exclusively for the use of personal enjoyment of the residents on the premises and not for commercial purposes.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fence

A boundary enclosure or separating barrier made of wire, wood, metal, masonry or other material which is inanimate.

Finished Grade

The final elevation of the ground surface after man-made alterations such as grading, filling and excavating have been made on the ground surface.

Floodplain

Any land susceptible to being inundated by water from any source.

Floodway

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 a designated height. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

Floor Area

The total horizontal area of all floors finished as usable area. Measurement of floor area shall be taken to the outside of the exterior walls. Floor area shall not include: unfinished basement; elevator and stair bulkheads; attic space; terraces, breezeways and open porches; uncovered steps; and garages.

Section 8 'G' Definitions

Garage

Private Garage

An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles or recreational vehicles owned or used by the occupants of the buildings to which it is accessory.

Public Garage

A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles and not for the dead storage of motor vehicles, having no public shop or service in connection therewith.

Garage Sale

The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, whether within or outside of a structure.

Garden Center – Commercial Greenhouse and Nursery

The selling and growing of plants, flowers, vegetables, shrubs and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

Greenhouse

A sun or artificially heated structure in which to grow plants, flowers or vegetables. Its framework is of sufficient durability to withstand at least 20 years of normal wear.

Hothouse

A sun or artificially heated structure in which to grow, or the growing out of season, plants, flowers or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs and trees. Its framework is generally light and has a normal wear expectancy of less than 10 years.

Nursery

A form of agriculture whose chief function is the field growing of plants, shrubs and trees.

Glare

The reflection of harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view. The effect resulting from a brightness sufficient to cause annoyance, discomfort or loss of visual performance and visibility.

Green Space

Area of land which is used exclusively for grass, trees, landscaping and other non-noxious living ground cover.

Golf Course, Public

A golf course, operated for profit, of nine or more regulation holes and its customary buildings and structures, which is open to the general public.

Golf Course, Private

A, non-commercial golf course of nine or more regulation holes and its customary buildings and structures, which is not open to the general public.

Grade

The average elevation of the surface of the ground adjoining the building after construction of required parking areas, and driveways and after landscaping and other improvements are in place.

Guyed Tower

A Telecommunications Tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the tower structure itself. (See Article 13, Section 27)

Section 9

'H' Definitions

Health Care Facilities

Health care facilities are all medical facilities for humans, including outpatient facilities, rehabilitation facilities, and facilities for long term care, including nursing homes.

Health Department

Public Health- Dayton and Montgomery County.

Heritage Tree

Any tree having a trunk with a circumference of forty-seven point one (47.1) inches (diameter of 15 inches) or more measured at fifty-four (54) inches above natural grade and any tree or group of trees specifically designated by the Township Trustees for protection because of its historical significance, special character or community benefit.

Home Occupation

Any occupation conducted in its entirety within a dwelling unit which shall be clearly incidental and subordinate to use for residential purpose.

Hospital, Animal

Any building containing space for any animals not belonging to the operator or such facility which allows for overnight or continuous care, diagnosis and treatment of animal illnesses or injuries.

Hospital, Human

Any building or other structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of ailments.

Hotel/Motel

An establishment in which lodging is provided and offered to the public for compensation, and which is open to transient guests typically for brief periods of time.

Extended Stay Hotel/Motel

An establishment containing guest rooms which are used, rented or hired out to be occupied for sleeping purposes, can contain kitchen facilities and typically are rented for a week or more per guest.

Section 10

'I' Definitions

Indoor Commercial Entertainment Facility

A building or fully enclosed structure housing spectator uses. Typical uses include motion picture theaters, concert/music halls and banquet centers.

Internet Sweepstakes Café

Any premises upon which there are situated two (2) or more Sweepstakes Terminal Devices that are available for the use or entertainment within such premises, whether or not such premises has any other business purpose.

Section 11 'J' Definitions

Junk

Old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof; iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

Junk Yard

A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled and stored, including auto wrecking yards.

Section 12 'K' Definitions

Kennel, Animal Shelter

See definition for **Dog Kennel**

Kiosk

An accessory structure upon which public information, retail sales of products and/or services are available. These structures may include a drive-thru component.

Section 13 'L' Definitions

Land Trust

A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC 5301.68.

Land Use Buffer/Mounding

Land area used to separate or visibly shield and/or screen one use from another.

Landscaping

The improvement of a lot, parcel or tract of land by means of grass, ground cover, shrubs, hedges, trees, or other vegetation. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Licensed Massage Therapist

A person who has obtained and currently holds an active certificate from the Ohio State Medical Board to practice a limited branch of medicine involving the administration of massage or similar touching techniques.

Loading Space

An off-street area, used exclusively for loading and unloading, at least 10 feet wide, 65 feet long, and 14 feet high, within or outside a building, and located at the side or rear of the building it serves, for the temporary parking of commercial vehicles which are loading or unloading merchandise or materials; and which abuts upon a street, alley or other appropriate means of access.

Lot

A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one main building together with its accessory buildings, the yard areas and parking areas required by this Resolution, and having its principal frontage upon the street. For the purpose of the Conservation Development regulations, a lot or subplot shall be a parcel of land owned fee simple

and intended for a single dwelling unit whether or not such lot or subplot is located with frontage on a dedicated street.

Corner Lot

A lot at the intersection of and abutting two streets, such streets forming an interior angle of less than 135 degrees.

Double Frontage Lot

A lot having frontage on two streets not at their point of intersection.

Interior Lot

A lot, other than a corner lot, with frontage only on one street.

Lot Area

The computed area contained within the lot lines, excluding right-of-way.

Lot Depth

The mean distance between front and rear lot lines.

Lot Frontage

The length of the front lot line.

Lot Line

Front Lot Line

A street right-of-way line forming the boundary of a lot. On a corner lot, both street right-of-way lines shall be the front lot line.

Rear Lot Line

The boundary opposite and most distant from the front lot line. The rear lot line of any irregular or triangular lot shall be a line not less than 20 feet long, lying wholly within the lot and more or less parallel to and most distant from the front lot line except in the case of a corner lot the rear lot line may be a point most distant from the front lot lines at which two side lot lines intersect.

Side Lot Line

Any lot line other than a front or rear lot line.

Lot Width

The width of the lot measured at the building setback line.

Lot of Record

Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder or Auditor of Montgomery County, or on which the recording has been delayed by mutual consent of the subdivider, developer and Washington Township, Ohio.

Section 14 'M' Definitions

Mailbox Sign

A sign which is suspended from, painted on, attached to or supported by an authorized mailbox structure.

Main Public Access

The primary point of entry for a building or place that can be a street, lane, drive, alley, pedestrian way or other facility in which the general public has a right of use.

Manufactured Home

Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical system contained therein.

Manufacturing

The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product.

Marijuana Business

Any business, laboratory or other enterprise that cultivates, processes, distributes or sells marijuana or any derivative of marijuana.

Master Plan

A plan adopted by Washington Township showing the recommended location and extent of present and future land use development and transportation facilities including housing; industrial and commercial establishments; highways and roads; schools and parks and other Township land uses. This Plan establishes the goals and objectives and policies of Washington Township toward land use.

Monopole Tower

A structure composed of a single spire anchored to a foundation used to support telecommunications equipment. (See Article 13, Section 27)

Section 15 'N' Definitions

Natural Feature

An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

Neighborhood Business

A business which is primarily supported by the residents and businesses within the neighborhood in which the business is located.

Neighborhood Park

See definition for **Park**

Non-Conforming Use

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Non-Therapeutic Massage Establishment

Any place of business or establishment that administers, practices, uses, or from which is dispatched a person for the purpose of administering, practicing or using any non-therapeutic massage or touching techniques, provided that any less than all persons who administer, practice, or use any massage or touching techniques are licensed massage therapists.

Nursing Home

A privately operated State licensed place of domicile or other facility which provides skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation.

Section 16 'O' Definitions

Occupancy Permit

A document issued by the Zoning Inspector stating that a building, structure or land complies with the provisions of this Resolution and authorizing occupancy and use of said premises.

Office

A place where a particular kind of business is transacted or a service is supplied.

Official Thoroughfare Plan

The official plan for the major highways and streets in Montgomery County on file in the office of the County Recorder and the County Planning Commission, with all amendments and supplements thereto.

Open Space

A parcel of land or an area of water or combination of both land and water, designed and intended for the use and enjoyment of the residents. Open space includes easements, parks, recreation areas, public open space, or other facilities dedicated by the developer for public use. Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general development plan and are appropriate for the residents.

Open Storage

Storing or keeping of chattels outside of a building.

Outdoor Advertising Display

A fixed or portable appliance, structure or surface, including the supporting structure made necessary thereby, erected upon the ground, on the wall of a building, or above the roof of a building, and used and erected for the public display of posters, painted displays, electrical displays, pictures or other items.

Section 17 'P' Definitions

Park Lot

A park, playground, community center, wildlife preserve, recreation or conservation area owned and operated by a tax-supported agency in the public interest and including buildings and structures customary for its operation.

Parking Space

An improved area of 180 square feet, a minimum of nine (9) feet in width and a minimum length of eighteen (18) feet within or outside a building, permanently reserved to store one automobile, exclusive of aisles.

Pedestrian Facilities

Elements of a development for the intended use and enjoyment of pedestrians including amenities such as walkways, benches and other outdoor seating, bus waiting areas, sidewalk displays, trash containers, fountains, statues, paths and plazas.

Perennial Stream

A natural waterway that contains water throughout the year except in severe drought.

Performance Bond

An agreement by a developer with the 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 developer’s agreement.

Performance Standards

Quantitative tests given to a prospective use of the land to determine whether the use is in harmony with the purpose of the zone which may include definite measurements for: noise, smoke, odor, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes, transportation and traffic, aesthetics and psychological effects.

Personal Services

Personal services establishments which offer services to members of the adjacent neighborhood such as shoe repair, barber shops, beauty shops, watch repair, self-service laundromats, or therapeutic massage establishments.

Premises

A lot and all of the use(s) conducted thereon.

Prize

Any gift, award, gratuity, good, service, credit, reward, or any other thing of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on account or other record as evidence of the intent to transfer the prize.

Project Boundary

With regard to Article 12 of this Resolution, Residential Conservation development, the boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area. The term “project boundary” shall also mean “development boundary.”

Public Improvement

Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

Section 18

‘R’ Definitions

Recreational Equipment and Vehicles

Recreational equipment and vehicles are defined as, and shall include the following, in addition to other equipment and/or vehicle which meets the same general standard as outlined:

Fifth Wheel Trailers

A vehicle that is of such a size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

Folding Tent Trailer

Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities.

Motorized Home (Motor Home)

A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

Park Trailer

A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliance.

Pick-Up Camper (Truck Camper)

A nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle, it does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

Watercraft

Any of the following when used or capable of being used for transportation in the water:

1. A vehicle or vessel operated by machinery either permanently or temporarily affixed;
2. A sailboat other than a sailboard;
3. An inflatable, manually propelled boat that is required by Federal law to have a hull identification number meeting the requirements of the United States Coast Guard;
4. A canoe or rowboat.

Recreational Facilities

Uses such as country clubs, golf courses or other private recreation areas or facilities, or recreation centers including private community swimming pools.

Recreational Vehicle

See **Recreational Equipment and Vehicles**

Regional

The geographic areas beyond the community.

Regional Business

A business which relies more on regional patronage rather than the community for their success.

Refuse

Refuse shall mean combustible and noncombustible waste materials.

Resource and Mineral Extraction

Any mining, quarrying, excavating process, storing, separating, cleaning or marketing of any mineral natural resource.

Restricted Open Space

A parcel or area within a conservation development that is restricted from further development according to the provisions in the planned development approval that is of sufficient size and shape to meet the minimum zoning requirements.

Riparian Buffer

A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion including boulders and other natural materials.

Section 19 'S' Definitions

Sawmill, Temporary

A sawmill for removing timber from premises or abutting property for a period of 12 months or less.

School – Public or Private Academy

Any public or non-public elementary or secondary school which meets and adheres to the minimum standards for such schools as established by the State of Ohio Board of Education.

Screen Wall

A constructed solid barrier that closes, marks or borders an area and creates a visual shielding or obscuring of the view from one side of the wall to another and is not associated with a building.

Semitrailer

A trailer without a front axle where a large proportion of its weight is supported by a road tractor, by a detachable front axle assembly known as a dolly, or by the tail of another trailer. A semi-trailer is normally equipped with land gear (legs which can be lowered) to support it when it is occupied.

Service Club

An association organized and operated not for profit for persons who are bonafide members paying annual dues, which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such an association are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. Food, meals and beverage may be served on such premises provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

Setback

The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.

Sexual Activities

Human genitals in a state of stimulation or arousal; acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other touching of human genitals, pubic region, buttock or female breasts.

Sexually Oriented Business

Sexually oriented businesses include the following categories:

A. Adult Arcade

A commercial establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of specified "sexual activities" or "specified anatomical areas".

B. Adult Bookstore, Adult Novelty Store or Adult Video Store

A commercial establishment which has twenty-five percent or more of its stock-in-trade, or derives a twenty-five percent or more of its revenues, or devotes twenty-five percent or more of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, characterized by the depiction of specified “sexual activities” or “specified anatomical areas”;
2. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.

C. Adult Cabaret

A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

1. Persons who appear nude or in a state of nudity or semi-nude state;
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by specified “sexual activities”;
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified “sexual activities” or “specified anatomical areas”; or
4. Physical contact (whether simulated or actual) of live males or females which is characterized by salacious conduct appealing to prurient interest for the observation by patrons provided that one or more of the parties appears in a state of nudity or semi-nude state. Prurient shall have the meaning given to it by the United States Supreme Court in *Brockett v. Spokane*, 472 U.S. 491 (1985). “Private Club” shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

D. Adult Motel

A motel, hotel or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, which depict specified “sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premise advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time less than ten hours; or
3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

E. Adult Motion Picture Theater

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which depict or describe specified “sexual activities” or “specified anatomical areas” and which are regularly shown for any form of consideration.

F. Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or performances which expose “specified anatomical areas” or specified “sexual activities”.

G. Escort Agency

A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s) or date(s) for another person. For purposes of this resolution “Escort” is a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or to privately perform a striptease for another.

H. Massage Parlor

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with specified “sexual activities”, or where any person providing such treatment, manipulation or service related thereto, exposes his or her “specified anatomical areas”. This definition shall not include the practice of therapeutic massage by a licensed physician, surgeon, technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, a licensed podiatrist, a licensed nurse or any other licensed health professional nor by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program. “Licensed” means licensed, certified or registered to practice in the State of Ohio.

I. Nude Model Studio

Any place where a person, who regularly appears in a state of nudity, or displays “specified anatomical areas”, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

J. Sexual Encounter Establishment

A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort, for the purpose of specified “sexual activities”, or the exposure of “specified anatomical areas”, or activities when one or more of the persons is in a state of nudity or semi-nude. This definition shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

K. Sexual Paraphernalia Center

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing sexual conduct or used in connection with specified sexual conduct.

Shadow Plan

A re-division plan when a property or portion of a property could be developed at a higher density.

Shopping Center

Ten (10) or more tenant spaces with a minimum aggregate ground floor area of 30,000 sq. ft. located within a single structure or in multiple structures on one (1) lot.

Sign

Any visual communication device utilizing a letter, a word, a number, a symbol, a picture, an object, color, illumination, or motion, the function of such device being to convey visual information to or attract the visual attention of a person within a public right-of-way or not on the premises on which the visual communication device is located. The term "sign" shall specifically include the following:

- A. Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign;
- B. Any material whose major function is providing structural support for a sign; and,

- C. Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

- A. Free Standing Sign - A sign not attached to a building;
- B. Projecting Sign - A sign supported by a building wall or column and extending a distance exceeding 12 inches from the wall; and
- C. Wall Mounted Sign - A sign which is located on, affixed to, attached to, painted on, or formed by the surface of the wall of a building.
- D. Vehicle Mounted Sign – (See **Sign, Vehicle Mounted**)

Sign Area

The total area in square feet of all the visible information-conveying surface area(s) of a sign including all localized background(s), but excluding all material(s) not conveying visual information and whose major function is providing structural support for the sign. An irregular shaped sign surface area shall be measured by calculating the surface area of a simple plane or solid geometric shape which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background (such as letters placed against a wall or window) shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.

Sign, Banner

A non-rigid cloth or canvas graphic.

Sign, Canopy

- A. Any sign placed on or supported entirely by a rigid or non-rigid shelter or other structure projecting out from any exterior wall or portion of a building or other structure; or
- B. Any sign attached to or suspended under any rigid or non-rigid portion or support by a building or other structure, including, but not limited to, a breezeway, pedestrian passageway, porch or veranda. Vertical clearance shall not be less than eight (8) feet.

Sign, Changeable Copy

A sign or portion of a sign where the message is able to be changed by electrical, mechanical, magnetism, or any other means.

Sign Clearance

The smallest vertical distance between the grade beneath the sign and the bottom of the sign, including framework and embellishments, extending over that grade.

Sign, Directional

A non-commercial informational sign, that has a purpose secondary to the use of the premises on which the sign is to be located, such as "no parking", "entrance", "exit", "tow away zone", and other directional signs indicating points of entry or exit, handicap parking spaces and similar information and directives.

Sign, Electronic Message Center

A sign or a portion of a sign that utilizes light emitting technologies including, but not limited to, television screens, plasma screens, digital screens, holographic displays, and LED (light emitting diode) technology on any portion of a sign face to display a message except as prohibited in the Prohibited Signs and Characteristics, Article 16, Section 3, of this resolution.

Sign Face

The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time.

Sign Height

The vertical distance from the uppermost point of sign structure to the average finished ground elevation under the sign.

Sign, Illuminated

A sign that is lighted by an artificial light source.

Sign, Non-Conforming

A sign existing and lawful at the time of the enactment of this Resolution or any amendment thereto, which does not conform to the regulations of the district in which it is located.

Sign, Permanent

A sign permitted by this resolution to be located on a premises for an unlimited period of time.

Sign, Roof

Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

Sign Structure

The supports, foundation, uprights, bracing or framework for a sign.

Sign, Temporary

A sign which is constructed of paper, cardboard, plastic, wood, or has a wire frame and is not affixed permanently to the ground or structure.

Sign, Unlawful

A sign installed without a required permit, or otherwise in violation of this Resolution.

Sign, Vehicle Mounted

A sign attached to or placed on a vehicle, including any automobile, truck, boat, camper, and trailer which is parked on or otherwise utilizing public property or on private property in a manner which conveys visible information or attracts the visual attention of a person in a public right-of-way for the purpose of providing advertisement for products or services or directing people to a business or activity.

Vehicle Mounted Signs shall not include signs on the following:

- A. Any vehicle displaying an advertisement or business notice of its owner, so long as the advertising devices are attached to and within the normal unaltered lines of the vehicle and the vehicle is engaged in the usual business or regular work of the owner, and not merely, mainly, or primarily used to display advertising;
- B. Forms of public transportation;
- C. Taxicabs.

Small Wind Energy System

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics and which is used to reduce on-site consumption of utility power at an aggregate capacity of less than five megawatts.

Specified Anatomical Areas

Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola; or
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stable, Riding

A building housing horses, ponies, or other similar animals for hire.

Stealth Design (Telecommunications Tower)

Camouflaging methods applied to Telecommunications Towers, antenna and other facilities, which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antenna, building mounted antenna designed to match the existing structure and facilities to resemble clock towers, bell steeples, trees, shrubs, flag poles and light poles. (See Article 13, Section 27)

Storage Facilities (Store and Lock)

A building providing numerous totally enclosed indoor storage spaces for rent or lease with each secure area being rented or leased, having its own independent outside access.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street, Private

An improved street or roadway which has not been dedicated for public use, or accepted by the Township, and is not maintained by the Township.

Street, Public

An improved street or roadway which has been dedicated for public use, and accepted by the Washington Township Board of Trustees, and is maintained by the Township.

Arterial Street or Road

A highway primarily for through traffic, carrying heavy loads and large volumes of traffic usually on a continuous route.

Collector Street or Road

A thoroughfare, whether within a residential, industrial, commercial or other zoning district which carries traffic primarily from local streets to arterial streets, including the principal entrance and circulation routes within residential districts.

Structural Alteration

Any change in the structural members of a structure, such as load bearing walls, columns, beams or girders.

Structure

Anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including but not limited to buildings, additions to buildings, satellite dishes, accessory structures, pavement, etc.

Subdivision

The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots any one of which is less than five (5) 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 (5) 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; or The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Surface Parking Area

A parking area for motor vehicles where there is no gross building area located above and/or below the parking area.

Sweepstakes

Any game, contest, advertising scheme or plan, or other promotion, but does not include bingo, whether or not consideration is required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance.

Sweepstakes Terminal Device

A mechanical, video, digital, or electronic machine or device, that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device whether or not any of the following apply:

- A. The device is server based;
- B. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries;
- C. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize;
- D. The device selects prizes from a predetermined finite pool of entries;
- E. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry;
- F. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed;
- G. The device utilizes software to create a game result;
- H. The device requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device;
- I. The device requires direct payment into the device, or remote activation of the device;
- J. The device requires purchase of a related product which has legitimate value;
- K. The device reveals the prize incrementally, even though the device does not influence the awarding of prize or the value of any prize awarded;

- L. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered;
- M. The device is a slot machine or other form of electrical, mechanical, or computer game;
- N. The device does not include any machines designated for use by the State Lottery Commission.

Swimming Pool

Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming and constructed, installed or maintained in or above the ground outside a building.

Section 20 'T' Definitions

Telecommunications

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems. (See Article 13, Section 27)

Telecommunications Tower

Any free-standing structure or any structure to be attached to a building or other structure in the unincorporated area of Washington Township, Montgomery County, Ohio, that is proposed to be owned or principally used by a public utility engaged in the provisions of telecommunications services and proposed to have radio frequency transmission or reception equipment attached to it. (See Article 13, Section 27)

Therapeutic Massage Establishment

Any place of business or establishment that administers, practices, uses, or from which is dispatched a person for the purpose of administering, practicing or using, any massage or touching techniques, provided that all persons who administer, practice, or use any massage or touching techniques are licensed massage therapists.

Trailer

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer, Utility

A platform or container standing on wheels, towed or hauled by another vehicle and used for transporting materials, goods or objects.

Trash Containers

Can-Type Trash and Refuse Receptacles

That type of trash and refuse container not exceeding 40 gallon capacity which can be manually lifted and dumped.

Metal Dumpster

That type of trash and refuse containers which exceed 40 gallon capacity, and are self-dumping by means of a specially designed front, side or rear loading vehicle.

Truck Terminal

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of 2 or more trucks.

Section 21 'U' Definitions

Use

The employment or occupation of a building, structure or land for a person or organization's service, benefit or enjoyment.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use.

Section 22 'V' Definitions

Variance

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 for the property owner.

Vehicle

Everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead trolley wires, and vehicles that belong to any police department, fire department, or that are used by such a department in the discharge of its functions.

Section 23 'W' Definitions

Wall

A boundary enclosure or separating barrier which is usually opaque.

Warehouse

Any building or structure which use is limited to the storage of equipment or material.

Wetlands Buffer

An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

Wholesale Establishment

An establishment that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

Section 24 'Y' Definitions

Yard

Front Yard

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Rear Yard

An open space extending the full width of the lot between a building and the rear lot line unoccupied and unobstructed from the ground upward except as herein specified.

Side Yard

An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Yard Depth and Width

Front Yard Depth

The minimum horizontal distance between any front lot line and the main building or any projection thereof other than the projections of uncovered steps or uncovered porches, and in compliance with the Official Thoroughfare Plan for Montgomery County, Ohio.

Rear Yard Depth

The minimum horizontal distance between the rear lot line and the main building or any projection thereof other than the projections of uncovered steps or uncovered porches.

Side Yard Width

The minimum horizontal distance between a side lot line and the main building or any projection thereof other than projections of uncovered steps or uncovered porches.

Section 25 'Z' Definitions

Zoning Certificate

A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning District

A portion of the unincorporated areas of the Township for which certain uniform regulations governing the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot area that may be occupied, set back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and structures and the use of land for trade, industry, residence, recreation or other purposes have been established.

Zoning Inspector

The Zoning Inspector is that person designated by the Township Trustees to administer and enforce this Zoning Resolution.

Zoning Map

The Zoning Map of Washington Township, Montgomery County, Ohio.

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Article 16: Sign Regulations

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Section 1 Purpose & Objectives

The following regulations establish uniform sign standards to promote and maintain an environment that is both visually pleasing as well as safe for pedestrian and vehicular traffic.

The purpose of this Article of the Resolution is to:

- A. Protect each person's Constitutional right to freedom of speech;
- B. Protect the public health, safety, convenience, comfort, prosperity, and general welfare.
- C. Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the Township's expressed desire for quality development;

Sign Regulation Objectives. This section regulates the time, place, and manner in which signs are displayed to achieve the following:

- A. Permit non-commercial signs on any premises within the Township;
- B. Permit signs without unconstitutionally regulating the information conveyed by each sign;
- C. Permit signs which do not create a potential hazard to the public safety;
- D. Permit commercial signs appropriate to the land use and/or zoning classification of each premises within the Township;
- E. Permit signs which create a more aesthetically-pleasing Township;
- F. Permit signs which eliminate visual clutter within the Township.

Section 2 General Provisions

The following provisions are applicable to signs within all zoning districts unless modified by the general requirements or standards of a specific zoning district within the unincorporated area of Washington Township:

- A. Zoning Certificate. A Zoning Certificate shall be obtained before any sign (except a sign exempted from the provisions of this article) is located, erected, constructed, reconstructed, enlarged, structurally modified, or used. The Zoning inspector shall either approve or deny a Zoning Certificate request within fifteen (15) business days from submittal of a complete application request.
- B. Signs in Right-of-Way. No sign shall be located within the public right-of-way unless it conforms to the Manual of Uniform Traffic Control Devices; was installed by employees or officials of a state or federal agency; was installed by Washington Township or Montgomery County; was required by a state or federal statute or state or federal court order; was installed by public utilities; was installed by a transit company with a franchise or other right to operate in Washington Township. The Township may remove or cause to be removed any unlawful sign in the public right-of-way. Any sign removed by the Township will be destroyed or disposed of within 10 days of removal unless claimed by the owner.
- C. Sign Location with Respect to Frontages. Sign area permitted by virtue of a premises having lot frontage or building frontage shall be located only along that frontage which generated the permitted sign area.
- D. Non-Conforming Signs. See the standards located in Article 13, Section 2.
- E. Non-Commercial Messages. Non-commercial information may be conveyed by any sign permitted under this Resolution.

- F. Commercial Messages. All commercial information conveyed by any sign permitted under this Resolution must pertain to the premises on which the sign is located.
- G. Non-Commercial Flags. Flags containing non-commercial information are permitted provided the total sign face area of all flags shall not exceed 60 square feet.
- H. Window Sign. Any sign located inside or behind a window shall not be subject to any provisions of this Resolution, except for those provisions set forth within Section 3 of this Article, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use, and provided that not more than 25 percent of the area of any window is devoted to window signage.
- I. Static, Fixed Message. A sign must convey a static, fixed message. A static, fixed message means a sign message that remains as a constant visual image for at least 10 minutes.
- J. Directional Signs. In addition to any other permanent or temporary sign permitted elsewhere in this Resolution, permanent or temporary sign(s) which convey information which pertains to the direction of traffic movement onto or within a premises shall be permitted provided that:
 - a. The directional sign face area does not exceed two square feet and the sign area does not exceed four square feet.
 - b. Directional sign height does not exceed three feet if located within 25 feet of a public right-of-way or eight feet in height in any other location.
 - c. The directional sign is located outside any public right-of-way, but shall not be subject to the general free-standing sign setback provision.
 - d. The directional sign pertains to the premises on which it is located.
 - e. A wall mounted directional sign may be placed at the entrance to any drive-thru.
- K. Free-Standing Signs
 - a. Setback. Any permanent free-standing sign or any part thereof shall be located outside the public right-of-way.
 - i. A permanent free-standing sign shall be setback a minimum of 20 feet from the public right-of-way.
 - b. Lot Frontage. Free-standing signs shall generate sign area based upon lot frontage on a public right-of-way of at least 50 feet in width. Corner lots and through lots shall have only one lot frontage.
 - c. Landscaping Requirements. A permanent free-standing sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:
 - i. The minimum landscaped area shall be equal to the area of the sign face.
 - ii. The landscaped area shall include all points where sign structural supports attach to the ground.
 - iii. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be 30 inches.
 - iv. The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscape area beneath the sign shall be prohibited.

- d. Free-standing permanent signs shall have an above-grade base of stone or brick with a minimum height of one foot.
- L. Projecting Signs
 - a. Sign Height. Shall not be less than eight feet above a sidewalk and 15 feet above a driveway.
 - b. Sign Location and Placement.
 - i. Shall be attached to the building wall at an angle of 90 degrees and no part of the sign shall project more than four feet from the wall.
 - ii. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
 - iii. Shall not extend higher on the wall than the bottom height of any second story window.
- M. Wall Mounted Signs
 - a. Sign Location and Placement.
 - i. Shall not extend more than 12 inches from the wall of the building upon which it is mounted.
 - ii. Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
 - iii. Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached.
 - iv. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
 - b. Shall have hidden structural supports.
 - c. Shall not extend more than 60% of the building wall or tenant space frontage generating the permitted sign area.
 - d. Multi-Tenant Buildings. Wall signs in multi-tenant buildings shall be complementary to the existing signs and/or the building where installed.
- N. Temporary Signs
 - a. The illumination of a temporary sign shall be prohibited.
 - b. Setback. A temporary free-standing sign shall be setback a minimum of 10 feet from the public right-of-way.
 - c. Wall mounted temporary signs shall be flush against the exterior wall.
 - d. Free-standing temporary signs shall be comprised of a rigid material that maintains a fixed shape, and shall not be designed or constructed so as to move or be moved by the wind or air currents.
 - e. Temporary Real Estate Signs. In addition to any other temporary sign permitted elsewhere in this Resolution on a premises, one additional temporary sign per lot frontage shall be permitted which conveys information pertaining only to the 'for sale', 'for lease', or 'for rent' status of the premises on which the sign is located and complies with the following:
 - i. Single-family and Two-family Residential Uses

- a) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet.
- b) Sign height shall not exceed 4 feet.
- c) The sign shall be either a ground or a wall sign.
- d) A Zoning Certificate shall not be required.
- ii. Non-Residential, Multi-family, and Undeveloped Land Uses
 - a) The sign area shall not exceed 12 square feet and the sign face area shall not exceed six square feet for properties with a frontage of 100 linear feet or less.
 - b) The sign area shall not exceed 32 square feet and the sign face area shall not exceed 16 square feet for properties with a frontage greater than 100 linear feet.
 - c) The sign area shall not exceed 64 square feet and the sign face area shall not exceed 32 square feet for properties with a frontage of 200 linear feet or greater.
 - d) A sign shall not exceed 6 feet in height.
 - e) A Zoning Certificate shall not be required.
- f. Temporary Signs advertising non-commercial events not occurring on the property on which the sign is located shall display noncommercial information only. Any temporary sign under this provision shall conform to the size restrictions for temporary real estate signs per Section 2(N)(e)(i & ii) above.
- g. A temporary sign shall not use an electronic message center.

Section 3 Prohibited Signs & Characteristics

- A. Any sign or part thereof which is erected within or above a public right-of-way shall be prohibited. This provision shall specifically apply to any sign conveying a commercial or a non-commercial message including a political sign.
- B. Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the word "stop", "look", "danger", or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.
- C. Any sign mounted onto, above, or incorporated into, the roof of any building shall be prohibited unless otherwise specifically permitted by this Resolution.
- D. Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises, structure or vehicle shall be prohibited. A balloon measuring up to, but not exceeding 24 inches in any dimension and is situated on, tethered or attached to the premises of a single-family, two-family, or 3-4 family dwelling unit shall be exempt provided said balloon is not displayed in conjunction with any other sign as defined by this Zoning Resolution.
- E. Any sign with visible moving, revolving, rotating parts, visible mechanical movement or conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.
- F. Any sign utilizing an artificial illumination device which provides beam spread, glare, or color which interferes with the vision of persons not located on the premises shall be prohibited.

- G. Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises, shall be prohibited.
- H. Any sign or part there of which utilizes flame as a source of light shall be prohibited.
- I. Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises shall be prohibited.
- J. Any sign conveying misleading or unlawful commercial information shall be prohibited.
- K. A vehicle mounted sign shall be prohibited.

Section 4 Sign Regulations

- A. Signs in Planned Development Districts (PD-R, PD-O, PD-B, PD-I, PD-T, PD-MU) shall be permitted either:
 - 1. As a specific element of the planned development approval, or
 - 2. In compliance with the sign provisions for the standard zoning district that is most similar in use to the approved planned development.
- B. Any sign to be displayed within a Special Use District shall comply with the requirements for such signage in accordance with the sign provisions outlined for uses that are most similar to the approved uses in the specific Special Use District.
- C. Signs Permitted for an Undeveloped or Agricultural Use
 - 1. Residential Zoned Land
 - a. Permanent sign(s) shall be prohibited.
 - b. Temporary Signs
 - i. The sign face shall not exceed six square feet in area and the sign area shall not exceed 12 square feet.
 - ii. Shall be a maximum of 4 feet in height.
 - 2. Non-Residential or Agriculturally Zoned Land
 - a. Permanent sign(s) shall be prohibited.
 - b. Temporary Signs
 - i. Shall be limited to the same requirements for temporary signs for business, industrial, and other non-residential uses.
 - 3. Refer to Section 2 General Provisions, N. Temporary Signs, f. for non-commercial sign standards.
- D. Signs Permitted for Residential Uses
 - 1. Single or Two Family Residential Use
 - a. General
 - i. A Zoning Certificate for a temporary sign shall not be required
 - ii. No sign may be illuminated
 - iii. Projecting signs are prohibited
 - iv. Electronic message center shall be prohibited

b. Free-Standing Signs

- i. A permanent free-standing signs shall be prohibited.
- ii. A permanent free-standing sign may be permitted on a reserve parcel or other lands owned in common by residents living within a specific neighborhood, a neighborhood group or association for the purpose of identifying their neighborhood. A Zoning Certificate shall be required before a free-standing sign may be constructed. Plans for all signs including location, fences, walls or earth mounds and landscaping shall be submitted for approval.
 - a) A neighborhood identification sign may only be located at the entrance to a neighborhood and fronting on a thoroughfare street as defined on the Official Thoroughfare Plan for Montgomery County, Ohio.
 - b) A maximum of one, single-face sign shall be permitted at each neighborhood entrance.
 - c) The sign face area shall be a maximum of 15 square feet.
 - d) The sign shall have a maximum height of 6 feet.
 - e) The sign shall be mounted onto a brick, stone, or keystone wall, wood, or wrought iron fence, or earthen mound and the entire area contiguous to the sign shall be landscaped.
- c. Wall Signs: Only 1 wall sign shall be permitted on each dwelling unit and each sign shall not exceed two square feet in sign area. Additionally, the wall sign shall not extend higher than 6 feet from grade.

d. Temporary Signs

- i. Only temporary free-standing signs shall be permitted.
- ii. A temporary free-standing sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three days maximum in any one evenly divided quarter of a calendar year for that premises.
- iii. The sign face shall not exceed six square feet in area and the sign area shall not exceed 12 square feet.
- iv. The sign height shall not exceed 4 feet.
- v. Refer to Section 2 General Provisions, N. Temporary Signs, f. for non-commercial sign standards.

E. Multi-Family Residential Use

1. General

- a. No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted.
 - i. The color of any energized lamp used shall be white.
 - ii. Light fixtures shall be positioned in a manner that focuses light onto a sign face to prevent glare to persons off-premises and the fixture lens or bulb shielded from public view.
- b. A sign having an electronic message center shall be prohibited.

- c. Projecting signs or wall signs with a sign area larger than two square feet shall be prohibited. Only 1 wall sign shall be permitted on each dwelling unit. Additionally, the wall sign shall not extend higher than 6 feet from grade.

2. Free-Standing Signs

- a. Only 1 sign shall be permitted on each premises. However, the 2 sign faces of a free-standing sign may be split into 2 signs and situated on both sides of the main entrance to a multi-family development providing:
 - i. Each sign shall have only 1 sign face
 - ii. The sign face area shall not exceed the maximum sign face area permitted by this resolution.
 - iii. Each sign shall be incorporated into a fence, wall, or earth mound and the entire area contiguous to the sign shall be landscaped.
- b. The sign height shall not exceed 6 feet.
- c. The permitted sign area shall not exceed 1 square foot of sign area per 10 linear feet of lot frontage and shall not exceed 32 square feet in sign face area or 64 square feet in sign area.
- d. A Zoning Certificate shall be required for a free-standing sign.

3. Temporary Signs

- a. Only temporary free-standing signs shall be permitted.
- b. Only one temporary free-standing commercial sign shall be permitted for a period of time not to exceed 30 days maximum in any evenly divided one-half of a calendar year.
- c. The sign height shall not exceed 6 feet.
- d. The sign area shall not exceed one-half square foot of sign area per 10 linear feet of lot frontage and the area of the sign face shall not exceed 12 square feet and the sign area shall not exceed 24 square feet.
- e. Refer to Section 2 General Provisions, N. Temporary Signs, f. for non-commercial sign standards.

F. Signs Permitted for Business, Industrial, or Other Non-Residential Uses

1. General Provisions

- a. No sign shall be located in such a manner as to be directed towards residential property.
- b. Sign Illumination

No sign shall incorporate movement or the illusion of movement. 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 lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving 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 other nuisance. Signs shall not be lighted in a manner which obstructs traffic control or any other public informational signs. Signs visible from sight lines along streets

shall not contain symbols or words, or red and green lights that resemble highway traffic signs for devices.

- i. A permanent sign may be illuminated.
 - ii. A permanent sign for a business, industrial, or non-residential use where such use is located in a residential zoning district and the parcel where the use is situated does not have frontage to a thoroughfare street as identified by the Official Thoroughfare Plan for Montgomery County, Ohio shall not be internally illuminated.
 - iii. A temporary sign shall not be illuminated.
 - c. A sign may include an electronic message center subject to the following requirements:
 - i. The sign must be located in a non-residential zoning district.
 - ii. The electronic message center shall be limited to a maximum of 50% of the sign face area not to exceed 20 square feet in area.
 - iii. Light emitted from the electronic message center shall be limited to a single illuminated copy color and a single, non-illuminated background color.
 - iv. The surface area of the remaining portion of the sign face shall be a solid and opaque surface.
 - v. A sign having an electronic message center shall only be placed along the frontage of a thoroughfare street as identified by the Official Thoroughfare Plan for Montgomery County, Ohio.
2. Free-Standing or Projecting Signs
 - a. Only one free-standing or projecting sign shall be permitted on a premises.
 - b. The free-standing or projecting sign shall not exceed one-half square foot of sign area per one linear foot of lot frontage not to exceed 45 square feet in sign face area or 90 square feet in sign area.
 - c. Free-standing signs shall be a maximum height of 8 feet at the minimum sign setback line and for every additional 5 feet of sign setback; 1 foot may be added to the sign height not to exceed a total sign height of 16 feet.
 - d. A property owner may exchange the permitted free-standing signs for a wall sign provided:
 - i. The sign area for the wall sign shall not exceed the sign face area of the free-standing sign that is permitted to the property by this resolution.
 - ii. The wall sign that is exchanged for a free-standing sign shall be located on a building wall that is not used to generate permitted wall signage for this property.
 - iii. The building wall used to locate this wall sign shall not primarily face towards an abutting residential use.
 - iv. No other free-standing sign shall be permitted on the premises unless otherwise permitted by this resolution. Other free-standing signs permitted by this resolution include but are not limited to temporary and directional signs.
 - v. A Zoning Certificate shall be required before a free-standing sign may be exchanged for a wall sign.

3. Wall Signs

- a. The total sign area of all wall signs shall not exceed one and one-half square feet of sign area per one linear foot of building frontage. Total wall sign area is not to exceed a maximum of 100 square feet of contiguous sign area on each building.
- b. Only the side of the building used as the entrance shall be used in calculating the wall-mounted sign. In the event of multiple entrance points, the side with the shortest frontage shall be used for calculation purposes.
- c. In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than 3 feet from the roof surface and that the sign height does not exceed 2 feet.
- d. No more than three signs may be displayed on a building frontage. The total sign area of all signs displayed shall not exceed the maximum sign area permitted by this resolution. (For multi-tenant buildings, building frontage would refer to tenant space frontage.)

4. Temporary Signs

- a. Free-Standing or Projecting Signs, Temporary
 - i. Only one temporary commercial free-standing sign, for a period of time not to exceed 30 consecutive days twice per calendar year, shall be permitted on each premises.
 - ii. For a premises having two (2) or more non-residential uses, only one commercial temporary free-standing or projecting sign, for a period of time not to exceed 30 consecutive days twice per calendar year, shall be permitted by any one non-residential use provided only one temporary free-standing or projecting sign is displayed on a premises at any one (1) time.
 - iii. The sign area shall not exceed one-quarter square foot of sign area per one linear foot of lot frontage not to exceed 32 square feet in sign face area or 64 square feet in sign area.
 - iv. The sign height shall not exceed 6 feet.
 - v. Temporary projecting signs shall be prohibited.
- b. Wall Signs, Temporary Commercial
 - i. Only one temporary wall sign, for a period of time not to exceed 30 consecutive days in any one evenly divided quarter of a calendar year, shall be permitted for any one building frontage of a premises.
 - ii. The sign area shall not exceed 16 square feet.
- c. Refer to Section 2 General Provisions, N. Temporary Signs, f. for non-commercial sign standards.

Section 5 Sign Maintenance & Responsibility

- A. Maintenance of Signs: Every sign, whether requiring a Zoning Certificate or not, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of said sign.

- B. Dangerous or Defective Signs Not Permitted: A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired.
- C. Removal of Dangerous or Defective Signs: The Zoning Inspector shall order the immediate removal or cause to be removed any dangerous or defective sign which, in the opinion of the Zoning Inspector creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.
- D. Signs which are no longer functional, advertise a commercial activity no longer in use, have been abandoned or moved to an unauthorized position shall be removed from sight or disposed of in some manner, this requirement to include the total blocking-out of painted wall signs when applicable. Such removal or disposal shall be required of the sign owner or the owner of the premises within thirty (30) days after it is no longer functional, has been abandoned, or is moved.