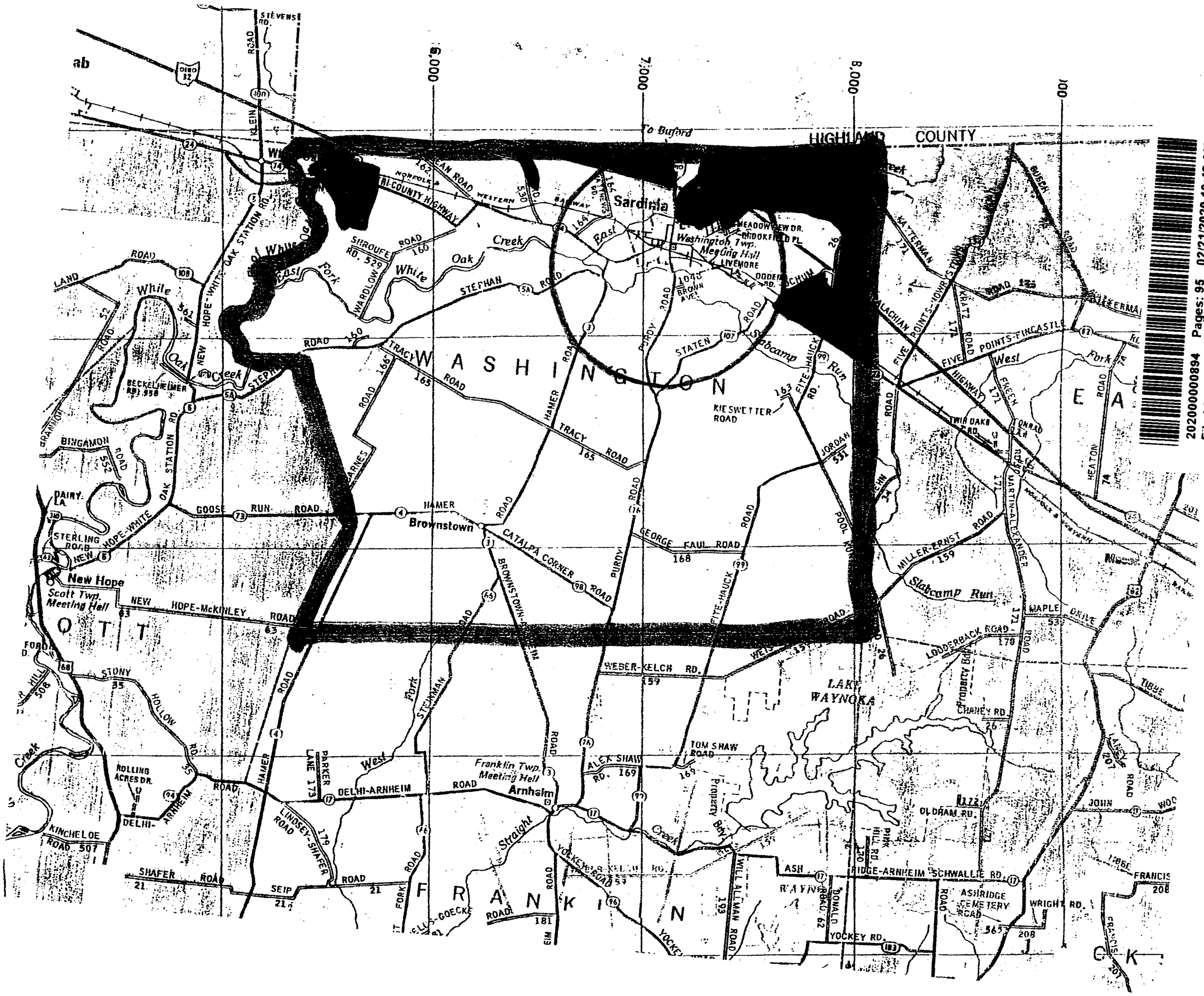

202000000894 Pages: 95 02/21/2020 10:48 AM
Filed for Record in BROWN County, OH
Amy Jo DeClaire, Recorder Rec Fees: $20.00
ZOAM OR Vol 499 Pgs 3325 - 3419

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Article 1

Preliminary Sections

100 Authority

This Zoning Resolution is enacted pursuant to the powers and authority granted under the provisions of the Ohio Revised Code Section 519.02, which provides as follows:

> 519.02. Township Trustees may regulate buildings and land use in unincorporated territory for public purpose.
>
> For the purpose of promoting the public health, safety, and morals, the Board of Township Trustees may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Be it resolved by the Board of Township Trustees, Washington Township, Brown County, Ohio:

101 Purpose

This Resolution is enacted for the purpose of **preserving agricultural land**, promoting public health, safety, and morals within Washington Township, and for the purpose of promoting the general welfare of the people of Washington Township.

102 Territory Under the Zoning Resolution

This Zoning Resolution shall be effective in the unincorporated areas of Washington Township. This Resolution shall be in effect immediately upon certification of the vote by the Board of Elections of Brown County showing statutory approval by the voters of Washington Township, or as otherwise provided by law.

This Resolution shall not apply within municipal corporations. If the township territory subject to this Resolution is incorporated, then this Resolution shall apply therein and be enforced by Washington Township until the election and qualification of officials for

the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations controlling the incorporated territory.

Upon annexation of township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and effect and shall be enforced by the township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

103 Title

This Resolution shall be known and may be cited and referred to as the Zoning Resolution of Washington Township, Brown County, Ohio.

104 Meaning of Zoning Standards

The standards contained herein are minimum requirements. Where the requirements of this Resolution are higher than those established by other provisions of law, or by other rules, regulations or restrictions, the standards of this Resolution shall be followed.

105 Districts

In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses; the location of buildings designed for specified uses; the size of buildings and other structures erected or altered; the size of yards and other spaces; and setback building lines, Washington Township, Brown County, Ohio, is hereby divided into the following classes of Districts:

A. Agricultural "A-1" District

B. Residential "R-1" District

C. Commercial & Industrial "CI1" District

106 Boundaries

The boundaries of these districts are hereby established as shown on the map known as the zoning map of Washington Township, which map accompanies and is hereby declared to be part of this Resolution. The said map and all the notations, references and other information shown thereon are as much as part of this resolution as if the notations, references and other information were fully described herein. Said map is properly attested to and on file with the Township Trustees.

107 Interpretation of Maps

The boundaries of each district are intended to follow property lines, lot lines or center lines of streets and lanes as they existed at the time of the adoption of this Resolution. Distances can generally be scaled directly from the zoning map, but should questions arise concerning the exact location of district boundary lines, the questions shall be

determined by survey and soil conservation factors relevant to the area as interpreted by the Board of Zoning Appeals.

108 Vacated Streets

Whenever a street, alley or public way is vacated by official action, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacancy and all areas included in the vacancy shall then and henceforth be subject to all regulations of the extended districts.

109 Definitions

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel."

Accessory building: A building subordinate to the main building, the use of which is incidental to that of the main building or to the use of the premises.

Accessory use: A use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "accessory use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

Agriculture: The use of land for agricultural purposes 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 products; dairy production; the production of field crops, tobacco, fruit, 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.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Automobile major repair: The general repair, rebuilding or reconditioning of engines, and exchange or reconditioning of motors, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

Automobile minor repair: The replacement of minor parts and service to passenger cars and trucks not exceeding one (1) ton capacity, but not including any operation named under "Automobile major repair", or any other similar service thereto.

Automobile or trailer sales area: An open area, other than a street, used for the display, sale or rental or new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile service station or filling station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of people, animals or property. When such a structure is divided into separate parts by one or more unpierced walls (fire walls) extending from the ground up, each part is deemed a separate building, except as regards minimum size, and requirements as hereinafter provided.

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

Building setback line: The distance from right-of-way line to front of the structure.

Certificate: See zoning certificate.

Clinic: A place where medical or dental care is furnished to people on an out-patient basis by four or more doctors, dentists and/or medical technicians.

Club: A building, or portion thereof, or premises owned or operated by a corporation, association, individual or people for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Density: The required land area for each dwelling unit.

District: A portion of the territory of Washington Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Resolution.

Drive-in eating and drinking establishments: Restaurants which provide outside parking spaces and serve prepared food and beverages outside for consumption on the premises.

Drive-through restaurant: A restaurant that provides for prepared food and beverages to be served at a pick-up window for consumption off the premises.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more people, but not including a tent, cabin, trailer coach or mobile home.

Family: A person living alone, or two (2) or more people living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) people unrelated to each other by blood, marriage or legal adoption.

Frontage: The distance of the property measured along the line of the street between the property lines of the parcel where they intersect the line of the right-of-way for the public street or easement line for a private street.

Garage, private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families residing upon the premises, provided that not more than one-half (1/2) of the space may be rented for the private passenger vehicles of people not residing on the premises, except that all of the space in a garage of one (1) or two-car (2) capacity may be so rented: and provided that , except on farms, such garage shall not be used for the storage of more than one (1) commercial vehicle of greater than one and one-half (1 1/2) ton rated capacity per family residing upon the premises.

Garage, public: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and in which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of a building.

Home occupations: Any occupation, activity or profession carried on by a member of the family residing on the premises. Such home occupations or professions include:

A. The office of a physician, dentist, artist, musician, lawyer, architect, teacher, real estate agent or similar profession; provided that not more than one-fourth (1/4) of the area of the individual's living unit be used for such purposes.

B. Home workshops and handicrafts, provided that no nuisance such as noise, odor or atmosphere contamination is created.

Hospital: A building or portion thereof used for the accommodation of sick, injured or infirm people including health-care facilities, hospitals and sanitariums, convalescent and rest homes and boarding homes for children and aged individuals.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

Industry: The storage, repair, manufacture, preparation, or treatment of any article, substance or commodity.

Inoperable vehicle: Any vehicle or motor vehicle as defined in Section 4501.01 (A) and (B) of the Ohio Revised Code, which vehicle is unfit for use due to any of the following conditions:

A. Not currently licensed for use on roads in this state, or;

B. Unsafe for travel due to the lack of a part or parts such as, but not limited to, a wheel, a door, the hood, the motor, or the windshield, or;

C. If the vehicle were inspected by the Ohio State Highway Patrol according to Section 4513.02 (A) through (G) of the Ohio Revised Code, said vehicle would be found to be unsafe.

Institution: A building occupied by a commercial enterprise or a non-profit establishment for public use.

Irregular lot: Any lot that is not square or a rectangle in shape, that has nonparallel side lot lines, or nonparallel front and rear lot lines and/or side lot lines that are not normal to the principal access street.

Junk: As defined in Section 4737.05 (A) of the Ohio Revised Code, old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials.

Junk yard: As defined in Section 4737.05 (B) of the Ohio Revised Code, a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, picked, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building.

Kennel: Any lot or premises on which four (4) or more domesticated animals of any species, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold. Kennels are permitted only in districts where specified.

Landfill: Any facility used for the disposal, burial, storage or treatment or recycling of any solid waste or hazardous waste with the definitions of solid waste disposal, hazardous waste, treatment, storage, and facility being the same definitions as set forth in Section 3704.01 (E), (F), (J), (K), (M), (N) of the Ohio Revised Code.

Landowner: The legal or beneficial owner or owners of all of the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee or

other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this article.

Land use plan: A long-range plan for the desirable use of land for Washington Township as prepared and as amended from time to time by the Zoning Commission. The purpose of the plan is to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

Laundromat: An establishment providing home-type washing drying, or ironing machine for hire to be used by customers on the premises.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one (1) principal permitted use together with its accessory buildings, the open spaces and parking spaces required by this Resolution, and having its principal frontage upon a public or private street or upon an officially approved place.

A. Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135 degrees). The point of intersection or the street lines is the "corner."

B. Lot, double frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

C. Lot, interior: A lot other than a corner lot.

D. Lot of record: A parcel of land which has been defined and recorded in the office of the County Recorder or Auditor of Brown County.

Lot depth: The mean horizontal distance between the front and the rear lot lines.

Lot, minimum area of: The area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare.

Lot width: The mean width of the lot measured at right angles to its depth.

Manufactured home: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured home park: A tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes. Excluded from the definition are one (1) tracts of land containing manufactured homes if the homes are on lots sold or for sale and the tract roadways are defined to the local government authority, and two (2) tracts used solely for the storage or display for sale of manufactured homes, or solely as a temporary park-camp. This includes mobile

homes in the definition of a manufactured home park and exclusions therefrom, and also excludes from the definition a tract of land within an area that is subject to local zoning authority and subdivision requirements, and is subdivided into individual lots for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Mobile home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or, when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify under the definition of a manufactured home. Units categorized as mobile homes are primarily those units built before 1975, when the federal Housing and Urban Development agency standards became effective.

Modular home: A dwelling pre-manufactured for delivery to a site in units for assembly at its destination. A suitable footing and continuous masonry foundation are required for this type of dwelling.

Motor vehicle: Means any vehicle, including manufactured homes and recreational vehicles, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. Excluded are: motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five (25) miles per hour, or less, threshing machinery, hay baling machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.

Non-conforming use: A building, structure or premises legally existing and/or used at the time of adoption of this Resolution or any amendment thereto and which does not conform to the use regulations of the district in which located.

Plan: The written and graphic submission for a planned development, including a plat of subdivision, all covenants relating to the use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities.

Pond/lake: A non-chlorinated body of water.

Rear dwellings: No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this Resolution, and for the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed access way not less than twenty feet (20') wide to a public street for each dwelling unit in such space, or one (1) access way not less than fifty feet (50') wide for three (3) or more dwelling units.

Recreational vehicle: A vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and being classed as follows:

A. Travel trailer: A non-self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Ohio Revised Code.

B. Motor home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

C. Truck camper: A non self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

Residential floor area: The area of dwelling devoted to living purposes, including stairways, halls and closets within the dwelling unit but excluding porches and space used for a garage or carport. In multi-family dwellings, the area of laundry rooms, storage rooms, offices, elevators, stairways, hallways or lobbies shall be excluded from the residential floor area.

Right-of-way line: A dividing line between a lot, tract or parcel of land and a contiguous street. The right-of-way of any street or road shall be deemed to be fifty (50) feet unless a greater right-of-way is proposed in the official highway map of Brown County or by state highway requirements. In that case, front yards shall be measured from the proposed right-of-way shown in said map.

Sign: Any surface, fabric, device or display which bears lettered, pictured or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term sign shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

Sign area: That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamented attachments, inner connecting links, etc., which are not a part of the main supports of the sign are to be included in determining sign area.

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.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

A. Story, first: The lowest story or ground story of any building the floor of which is not more than twelve (12 inches) below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker of his family, shall be deemed the first story.

B. Story, half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residential purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street line: A dividing line between a lot, tract, or parcel of land and a contiguous street, referred to as the right-of-way line.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including - but without limiting - the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

Structural alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Swimming pool: A structure, pool, lake, or open tank of water that is chlorinated and maintained by the owner or manager.

A. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, multi-family development, or a community; the members and guests of a club, or the patrons of a motel or hotel.

B. Community: Operated with a charge for admission.

Trailer, trailer coach, or motor home: Any vehicle 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 the 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.

A. Trailer, camping: A vehicle or structure, other than a boat, designed and constructed in such a manner that its primary purpose is for use as a temporary living facility or during vacation or recreation periods and is, or may reasonably be mounted on wheels or a motor vehicle and which is drawn or carried upon highways or streets.

B. Trailer, utility: A vehicle or structure designed and constructed in such a manner, mounted on wheels or a motor vehicle, so it can be drawn or carried upon streets or highways whose primary purpose is to haul personal property or other property or materials and is licensed or licensable as a utility trailer under Ohio Motor Vehicle licensing law for use on highways or streets.

A small utility trailer is a utility trailer designed to haul not more than two thousand (2,000) pounds of materials.

Trailer or motor home court or camp: An area where one (1) or more trailers, trailer coaches, motor homes, or tents can be or are intended to be parked or stationed, designed, or intended to be used as temporary living or semi-permanent living facilities of one (1) or more families and are intended primarily for automobile transient.

Thoroughfare plan: The official Thoroughfare Plan of, and as adopted by, the Planning Commission of Brown County, Ohio, establishing the location and official right-of-way widths of principal highways and roads in the County, on file in the office of the County Engineer and the County Planning Commission of Brown County, Ohio, together with all amendments thereto subsequently adopted.

Variance: A deviation from a specific zoning requirement as to height, size, lot area, density, yard depth, setback, etc. of a specific zoning district; however, a request for a use permitted within another zoning district shall not be considered for a variance by the board.

Vehicles: Everything on wheels or runners, including motorized bicycles, but does not mean vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, or volunteer fire department or used by such department in the discharge of its functions.

Wind Energy Conversion System: See Small Wind Energy Conversion System above.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by a portion of structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or porch, shall be used.

A. Yard, front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereto. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

B. Yard, rear: A yard extending across the rear of a lot and being the horizontal distance between the rear lot line and the rear of the main building or any projections thereto. On all lots, the rear yard shall be in the rear of the front yard.

C. Yard, side: A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Zoning certificate: The document issued by the Zoning Administrator authorizing the construction and/or alteration of any permanent and/or temporary building, dwelling, or other structure in excess of twenty-seven (27) cubic feet or to establish or change the use of any land, building, dwelling or other structure.

Zoning Commission: The Washington Township Zoning Commission as appointed by the Township Trustees.

Zoning Administrator: The Zoning Administrator or his/her authorized representative, as appointed by the Township Trustees.

Zoning district map: The zoning district map or maps of Washington Township, together with all amendments subsequently adopted.

Article 2

General Provisions

200 Uses Prohibited

All landfills (including toxic waste, hazardous waste, and solid waste), auto junk yards, salvage operations, recycling centers, incinerators, manufactured home parks, mobile home parks, and trailer parks or camps shall be prohibited in Washington Township, Brown County, Ohio.

201 Agricultural Use

Nothing contained in this resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such use, building or structure.

202 Land Use

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation or any provision of this Resolution or any amendment or supplement thereto adopted by the Trustees of Washington Township.

203 Storage of and Temporary Occupancy of Recreational Vehicles

In the agricultural and residential districts, storing a trailer, camper, recreational vehicle or boat shall be permitted provided that no habitation be maintained and no business conducted therein while such vehicle is so parked or stored; however, occupying such vehicles for short periods of time deemed vacationing or recreation shall not be prohibited. Should the occupation of such a vehicle extend beyond a thirty (30) day period, a permit will be required from the Zoning Administrator for an additional period of occupancy.

204 Resolution Effective Date

The minimum yards and other open space provisions contained in this resolution for each and every building existing at the effective date of this Resolution shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.

205 Nuisance Prohibited

No abandoned, discarded, inoperable, wrecked, unlicensed, unsafe, disabled, dismantled vehicles or motor vehicles and no abandoned, discarded, unsafe manufactured homes or inoperable machinery, equipment, machine parts or abandoned discarded furniture, appliances, junk or other miscellaneous materials shall be permitted to remain other than within a totally enclosed structure on the premises in any district with the exception of farm implements currently being used in agriculture.

206 Buffers

Where buffers are required between two (2) different land uses, a buffer screen shall be used to provide an adequate site, noise and pollution barrier. Depressions, raised berms, landscaping, fencing or any combination thereof are satisfactory methods to create such a barrier.

Where a landscape buffer screen is used, an evergreen planting screen shall be used to provide an adequate barrier. The plant material used shall be a minimum height of four (4) feet at the time of planting and shall be planted in an arrangement in order to provide an immediate effect. Deciduous and semi-deciduous plant material may be used with evergreens to provide an immediate effect and accent in color. In all cases where plant material is used as a buffer screen, the plants shall be placed in such a manner that the mature growth of such plants is a minimum distance of three (3) feet from said property lot line or public right-of-way.

207 Temporary Buildings

In all districts, a certificate shall be obtained from the Zoning Administrator for placement of a construction trailer or temporary building for uses incidental to construction work for a period of one (1) year, providing the owner has a building permit and shows evidence of continued progress. The unit shall be removed upon completion or abatement of the construction work or at the end of the year period.

208 Compliance with Regulations

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the unincorporated area of the township except as specifically, or by necessary implication, authorized by this Resolution. Conditional uses shall be allowed only by certificate granted by the Zoning Board of Appeals upon finding that the specified, allowable conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication. Violators of these provisions will be prosecuted and penalized to the fullest extent as described **in Article 4, Section 415**.

209 Administrative Standards

Whenever, in the course of administration and enforcement of this Resolution, it is necessary or desirable to make any administrative decision, which is not specifically addressed by this Resolution, the decision shall be made so that the result will not be contrary to the purpose and intentions of this Resolution.

210 Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only

within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the article applying to such district.

211 Traffic Visibility Across Corner Lots

In any district in order to provide a clear view of intersecting streets to motorists there shall be provided a triangular area of clear vision between the heights of two and one half (2 1/2) feet and ten (10) feet above the grade at the two street center lines. No fence, structure, structural support or planting shall be erected or maintained within this triangular clear vision zone that would materially affect visibility.

This triangle area of clear vision shall be formed by the street right-of-way lines on the near side of the streets and a diagonal across the corner intersection these street right-of-way lines twenty (20) feet from their corner intersection as measured along the right-of-way lines. If no established right-of-way line exists the assumed right-of-way line shall be located not less than twenty-five (25) feet from the centerline of each street.

212 Essential Services

Essential services, such as the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, main drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public health or safety or general welfare, but not including buildings, shall be permitted as authorized and regulated by law and other resolutions of the Township Trustees, it being the intention hereof to exempt such essential services from the application of this Resolution.

213 Pending Application for Building Permit

Nothing herein obtained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and/or required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder's control.

214 Temporary Amusement Parks

A. Temporary amusement parks shall be a conditional use and require a permit from Washington Township by the requirements of this section and by the general purposes of this Resolution.

B. Adjacent property owners must be notified before a permit is issued.

C. Temporary amusement parks shall be allowed only when shown that the atmosphere and weather conditions are such that no danger would result to the public from their erection and usage. Certification of the safety of such devices and equipment must be made in writing to the Zoning Administrator.

D. No operation of such use shall be allowed after 11:30 p.m. on weekends and 9:30 p.m. during the week.

E. No usage shall be allowed to continue for a period in excess of ten (10) days.

215 Roadways

For the purpose of this Resolution, no street or road right of way shall be considered to be part of a lot. The right of way of any street, except as otherwise specified in the official highway plan for Brown County, Ohio, shall be deemed to be fifty (50) feet in width.

216 Permitted Uses Revoked

Any use permitted in this resolution shall be revoked and discontinued if because of dust, odors, smoke, gas, noise, fumes, flame, vibration, or physical deterioration it becomes a hazard to the neighborhood in which the use is located except for agricultural purposes.

217 Frontage

Every lot shall front on a public street and shall have a minimum street frontage of two-hundred feet.

218 Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbances.

Article 3

Enforcement

300 General

This article stipulates the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

301 Zoning Certificates Required

No person shall locate, erect, construct, or enlarge, 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 fully comply with the zoning regulations as stated herein. The Zoning Administrator shall issue zoning certificates only when he determines there is conformity with the provisions of this Resolution or the Board of Zoning Appeals reverses his decision on an appeal.

302 Contents of Application for Zoning Certificate

The application for zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information and be accompanied by all required fees:

A. Name, address, and phone number of applicant:

B. Legal description **and plot number** of property for new use or new construction; or house number and street name for alterations;

C. Existing use;

D. Proposed use;

E. Zoning district;

F. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building (s) or alteration;

G. Building heights;

H. Number of off-street parking spaces or loading berths and their layout;

I. Location and design of access drives;

J. Number of dwelling units;

K. If applicable, application for a sign certificate or a conditional, special, or temporary use certificate;

L. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Resolution.

303 Approval/ Disapproval of Application

Within ten (10) working days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning certificates shall, however, be conditional upon the commencement of work within one (1) year from the issuance of the permit and completion within two (2) years from the issuance of the permit. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Administrator.

304 Expiration of Zoning Certificate

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

305 Construction and Use to be as Provided in Applications, Plans and Certificates

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

306 Complaints Regarding Violations

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

307 Entry and Inspection of Property

The Zoning Administrator is authorized to make inspection of properties in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. The Zoning Administrator shall obtain the permission of the owner or occupant to inspect. If permission is denied, the Zoning Administrator shall contact the Prosecuting Attorney for guidance.

308 Stop Work Order

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

309 Zoning Certificate Revocation

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

310 Notice of Violation

Whenever the Zoning Administrator determines that there is a violation of any provision of this Resolution, a notice of violation shall be issued and said notice shall:

A. Be in writing;

B. Identify the violation;

C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and

D. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

A. By personal delivery to the person or people responsible; or

B. By certified mail addressed to the person or people responsible at a last known address. In addition, service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

311 Court Summons Procedure

If upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or people responsible shall be issued a court summons in the following manner:

A. Be served personally;

B. Be in writing;

C. Identify the violation;

D. State the time, date and place for appearance in court.

If the court summons cannot be served personally, the Zoning Administrator shall request that the summons be served by an Officer of the Court.

312 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined by the Court and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

313 Additional Remedies

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

314 Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. Wherever the regulations of this Resolution require a greater width or size of

yard or other open space or require a lower height of building or less number of stories or require a greater percentage of a lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolutions, regulation, private deed restriction or private covenant is more restrictive, then those requirements shall govern.

315 Uses Assumed Prohibited

Any uses not specifically mentioned in this resolution shall be assumed prohibited.

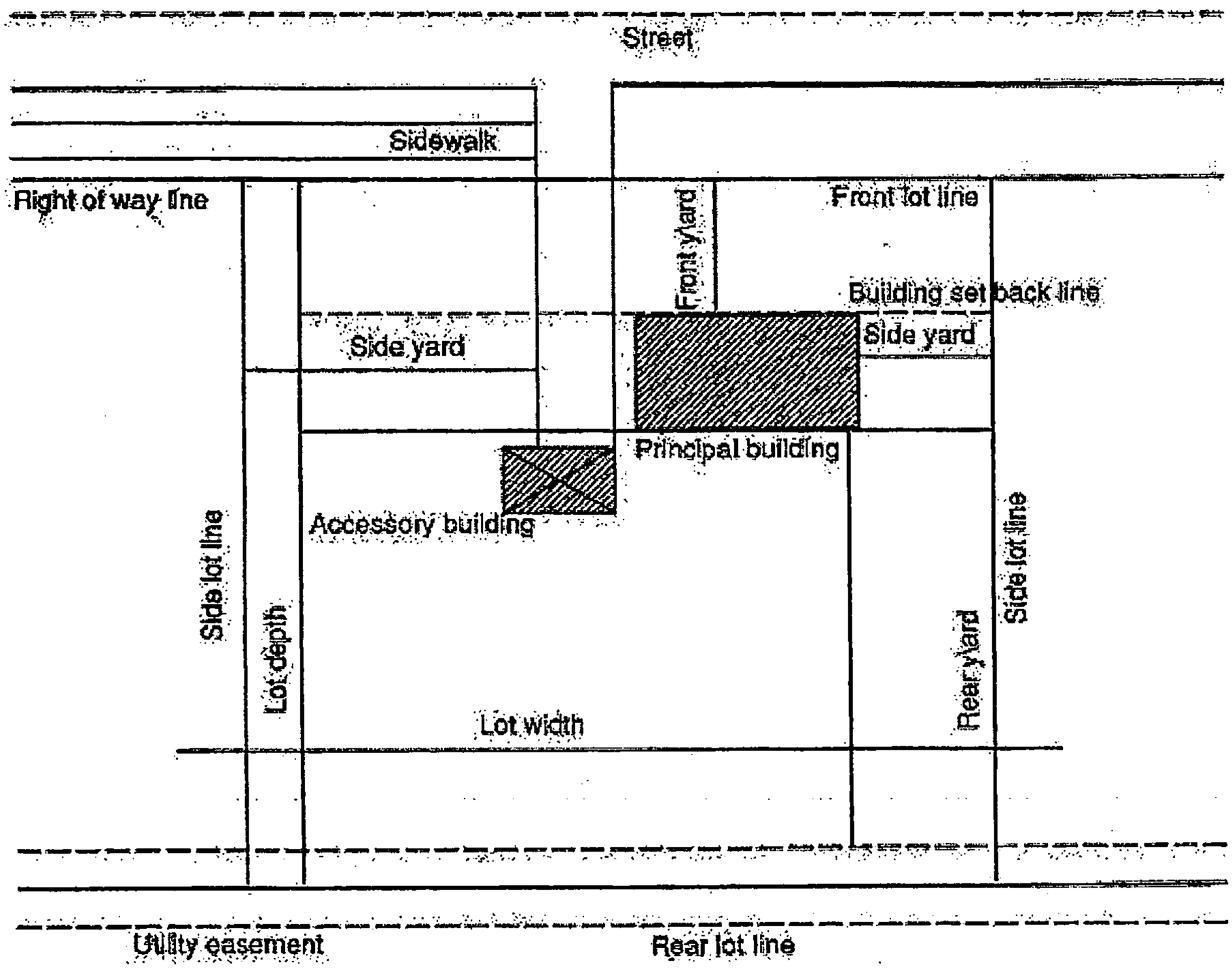
316 Validity

Each section, subsection, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto is hereby declared to be independent and the holding of any part to be unconstitutional, invalid or ineffective for any reason shall not affect or render invalid the Resolution or amendments thereof as a whole or any other part thereof except the particular part so declared to be invalid.

317 Illustrations and Tables

For the purpose of clarifying the various articles and sections of this Resolution, the following illustrations and tables are hereby incorporated into this Resolution.

Height and area requirements



Lot area – Total horizontal area

Lot coverage – Percent of lot occupied by building

Lot terms

District	Maximum height of building	Minimum depth of front yard	Minimum depth of side yard	Minimum depth of rear yard	Minimum lot area
Agricultural					
Public sewage	35 feet	75 feet	30 feet	30 feet	1 acre
Individual sewage	35 feet	75 feet	30 feet	30 feet	3 acre

Residence "R1" Public sewage Individual sewage	35 feet 35 feet	75 feet 75 feet	30 feet 30 feet	30 feet 30 feet	1 acre 3 acre
Commercial and Industrial "CI"	75 feet	100 feet	100 feet	100 feet	3 acres

Article 4

Administration

400 Purpose

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

401 General provisions

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within Washington Township, Brown County, Ohio government:

A. Zoning Administrator

B. Zoning Commission

C. Board of Zoning Appeals

D. Township Trustees

E. Fiscal Officer

F. Office of the Prosecuting Attorney and/or paid legal counsel.

402 Zoning Administrator

A Zoning Administrator, appointed by the Board of Township Trustees, shall administer and enforce this Resolution. He may be provided with the assistance of such other people as the Board of Township Trustees may direct. He may be allowed his expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

403 Responsibilities of Zoning Administrator

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

A. Enforce the provisions of this Resolution and interpret the meaning and application of its provision.

B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.

C. Issue zoning permits as provided by this Resolution and keep a record of same with a notation of any special conditions involved.

D. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.

E. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person (s) responsible, specifying the nature of the violation and ordering corrective action.

F. To maintain, or cause to be maintained, in current status the Official Zoning District Map which shall be kept on permanent display in the Township Offices.

G. Maintain permanent and current records required by this Resolution, including but not limited to zoning certificates, inspection documents, and records of all variances, conditional uses, amendments and special uses.

H. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.

I. Review and approve site plans pursuant to this Resolution.

J. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices or stop orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.

K. Prepare and submit a written monthly and annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the Schedule of Fees.

L. Delegate any of the aforementioned tasks to any and all assistants that might be provided to him by the Board of Trustees. He shall personally supervise any and all delegated tasks and shall remain personally responsible for the proper conduct of all tasks conducted under the terms of this resolution.

M. Act as principal liaison with any and all planning or other consultants retained by the Board of Trustees for any purposes or task pertaining to this Resolution.

404 Zoning Administrator's bond

The Township Zoning Administrator, before entering upon the duties of his/her office, shall give bond, signed by a bonding or surety company authorized to do business in

this State, or at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the State, in the sum of not less than one thousand (1,000) or more than five thousand (5,000) dollars as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Administrator's official duties. Such bond shall be deposited with the Township Clerk.

405 Organization of the Township Zoning Commission, Compensation and Expenses

A Township Zoning Commission composed of five (5) members shall be appointed by the Board of Trustees. All members shall be residents of the unincorporated area of the Township. The terms of said members shall be of such length, and so arranged, so that one (1) member's term shall expire each year. Each member shall serve until his successor is appointed and seated. Members shall be removed from office for non-performance of duty, misconduct in office, or other necessitating cause, by the Board of Trustees, after a public hearing has been held on the charges. A copy of the charges shall be delivered to the offending member at least ten (10) days prior to the scheduled public hearing either personally, via registered mail, or by leaving same at his address of record; and the member shall be afforded the privilege of responding to the charges at said hearing. Vacancies thus created shall be filled by an appointment from the Board of Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

406 Duties of Township Zoning Commission

A. Initiate advisable changes or amendments to the text or map of this Resolution where same will promote the best interest of the public in general through recommendations to the Board of Trustees.

B. Review all proposed changes or amendments to the text or map of this Resolution and make appropriate recommendations to the Board of Trustees.

C. Review all preliminary development plans, and make appropriate recommendations to the Board of Trustees.

D. Review all conditional and non-conforming uses as identified in the respective zoning districts according to the provisions and criteria stated in this Resolution.

E. Conduct an annual review of the fee schedules contained in this Resolution, and make appropriate recommendations to the Board of Trustees.

F. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend any and all appropriate amendments or changes to improve the effectiveness and to maintain the currency and appropriateness of said Resolution to the Board of Trustees.

407 Proceedings of the Township Zoning Commission

The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Commission meetings shall be held at a regularly scheduled time and place known to the general public. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions, all of which shall become a public record and be immediately filed in the office of the Commission. The presence of three (3) members shall constitute a quorum.

408 Township Board of Zoning Appeals, Compensation and Expenses

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by **Section 405** of this Resolution. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executive, professional, technical, and other assistants as it deems necessary.

409 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution;

B. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;

C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for conditional uses are provided for in the Zoning Resolution;

D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

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

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

410 Rules, Organization and Meeting of the Board of Zoning Appeals

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, or at such other times as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the Public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the board of Township Trustees and be a public record. The presence of three (3) members shall constitute a quorum.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator, a notice of appeal specifying the grounds. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the actions were appealed.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by publication in (1) one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. During the hearing, any person may appear in person or by attorney.

411 Duties of Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be

presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in **Section 413** of this Resolution. Nothing in this Resolution shall be interpreted to prevent any officials of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the Board's written decision.

412 Board of Township Trustees

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

A. Appoint the Zoning Administrator.

B. Appoint the members of the Zoning Commission and the Board of Zoning Appeals.

C. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.

D. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a majority vote of the Township Trustees.

413 Schedule of Fees

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

414 Responsibilities of Fiscal Officer

The Township Fiscal Officer shall have the responsibilities of maintaining the "official" text of this Zoning Resolution which shall be maintained on display in the Township Office and be made available to any person in accordance with Ohio's Public Records Act, during normal business hours.

415 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Washington Township. The Zoning Administrator shall notify any violator by certified mail, return receipt requested, and regular mail, of said violation and shall give said violator fourteen (14) days after receipt to correct or eliminate the violation. Any person, firm, or corporation violating any regulations or provisions of this resolution or any amendment or supplement thereto and not correcting same after notice as provided herein shall be referred to a Court of Law. Refer to **Article 312**, Penalties and Fines for possible actions.

416 Violations – remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereof the Zoning Administrator, the County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

Article 5

Amendments, Appeals and Variances

500 Procedure for Amendments of District Changes

This Resolution may be amended by utilizing the procedures specified in **Section 501** to **Section 512**, inclusive, of this Resolution and Section 519.12 of the Ohio Revised Code. In the event of a discrepancy, the Ohio Revised Code shall control.

501 General

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

502 Initiation of Zoning Amendments

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

A. By adoption of a motion by the Zoning Commission.

B. By adoption of a resolution by the Board of Township Trustees.

C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

503 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information.

A. The name, address and phone number of applicant;

B. A statement of the reason(s) for the proposed amendment;

C. Present use;

D. Present zoning district;

E. Proposed use;

F. Proposed zoning district;

G. A vicinity map at a scale approved by the Zoning Administrator showing property lines of the property to be rezoned and all abutting properties; thoroughfares,

existing and proposed zoning, and such other items as the Zoning Administrator may require;

H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;

I. A fee as established by Resolution of the Board of Township Trustees.

504 Contents of Application for Zoning Text Amendment

A. The name, address, and phone number of the applicant;

B. The text of the proposed amendment in a form consistent with the existing Zoning Resolution;

C. A statement of the reason(s) for the proposed amendment;

E. A fee as established by Resolution of the Board of Township Trustees.

505 Transmittal to Zoning Commission

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

506 Public Hearing by Zoning Commission

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

507 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in **Section 506**, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

508 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first-class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the list furnished by the applicant in **Section 503 H** of this Resolution, or the County Auditor's current tax list or the Treasurer's mailing list and/or such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in **Section 507**.

509 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 506, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

510 Public Hearing by Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in **Section 507**.

511 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by **Section 506**, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the majority vote of the Board of Township Trustees is required.

512 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last

preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The only responsibility of the Township Board of Trustees is to transmit said petition to the Board of Elections.

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

513 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which action appealed from was taken.

514 Stay of Proceedings

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

515 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

516 Application and Standards for Variances

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

A. Name, address and telephone number of applicant(s).

B. Legal description of the property.

C. Description or nature of variance requested.

D. A fee as established by Resolution.

E. Narrative statements establishing and substantiating that the variance conforms to the following standards.

1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the

public safety, or substantially diminish or impair property values of the adjacent area.

7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

517 Additional Conditions and Safeguards

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

518 Authorized Variance

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in **Section 516** and **Section 517**, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

A. To permit any yard or setback less than the yard or setback required by the applicable regulations.

B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area of width of the lot or lots, but generally the respective area and width of the lot **or** lots should not be less than eighty (80) percent of the required area and width.

C. To increase the maximum floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

519 Regulation of Conditional Uses

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of **Section 520** to **Section 528** of this Resolution.

520 Contents of Conditional Use Permit Application

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

A. Name, address and telephone number of the applicant.

B. Legal description of the property.

C. Zoning district.

D. Description of existing use.

E. Description of proposed conditional use.

F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require.

G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration.

H. A list containing the names and mailing addresses of all owners of property adjacent to property in question.

I. A fee as established by Resolution.

J. A narrative addressing each of the applicable criteria contained in **Section 521.**

521 General Standards for all Conditional Uses

In considering an application for a conditional use the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing such use at the proposed location:

A. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the zoning district involved.

B. Will be in accordance with the general objectives, or with any specific objective, of the Township's Zoning Resolution.

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

D. Will not be hazardous or disturbing to existing or planned future neighboring uses.

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

I. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

522 Actions on Conditional Use Applications

Within thirty (30) days after the date of the public hearing required in **Section 525**, the Board shall take one of the following actions.

A. Approve issuance of the conditional use by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in **Section 517**. Upon making an

affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use for such use which shall list all conditions and safeguards specified by the Board for approval.

B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.

C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

523 Violation of Conditions

Any violation of conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

524 Expiration of Conditional Use Permits

A conditional use permit shall be deemed to authorize only one (1) particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date that the Board approved the conditional use, or if for any reason such use shall be discontinued for more than two (2) years.

525 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal, variance or conditional use from the Zoning Administrator or an applicant.

526 Notice of Public Hearing in Newspaper

Before conducting the public hearing required in **Section 525**, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed action.

527 Notice to Parties in Interest

Before conducting the public hearing required in **Section 525**, written notice of such hearing shall be mailed by first-class mail, at least ten (10) days before the date of said

hearing, to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in **Section 526**.

528 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in **Section 525**, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in **Section 522**, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in **Section 513**.

Article 6

Manufactured Homes

600 Definition of Manufactured Homes

A permanently sited manufactured home means manufactured home as defined in Ohio Revised Code 519.212 as amended and approved as meeting acceptable similarity appearance standards and performance standards as specified in this Article.

601 Manufactured Homes on Individual Lots or Parcels of Land

Manufactured homes either individually or by specific model shall be permitted in all districts permitting single-family dwellings and shall be designated as a single-family residential use in such districts, subject to the requirements and limitations applying generally to residential use including minimum lot size, lot width, yard and off-street parking, acceptable similarity appearance standards and such other requirements of this Resolution that apply to such residential uses.

602 Standards for Manufactured Homes

[Standards for determination of acceptable similarity of appearance standards for manufactured homes.] Delete Line

The following standards shall be used in the determination of acceptable similarity of appearance between manufactured homes and residences constructed on site to assure that such manufactured homes placed on a visible, permanent foundation will be comparable in appearance with site built housing that has been or may be constructed on adjacent or nearby locations.

Manufactured homes shall have a minimum usable floor area of one thousand (1,000) square feet excluding garage, deck, enclosed or unenclosed porch or basement.

The wheel, axles, and metal frame members shall be screened from the bottom of the manufactured home to the ground by concrete or masonry wall. The wall must be installed prior to the occupancy of the manufactured home being placed on site. Wall must be maintained at all times while the manufactured home is on the lot.

If manufactured homes are removed for more than twenty-four (24) months, all foundation and block walls above ground grade must be removed and restored to original grade.

Parking of a house trailer or manufactured home in any district for over forty-eight (48) hours shall be prohibited, except for small utility trailers and except that one (1) trailer

may be stored in an enclosed garage, or other accessory building, provided that such shall not be occupied as a residence or any business conducted in connection therewith, while such trailer is parked or stored. To ensure compliance herewith, a zoning certificate shall be required.

Article 7

Signs

700 Purpose

The purpose of this Article is to permit signs that will not by reason of their size, location, construction, or manner of display endanger the public health, safety, and general welfare and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the purpose of this Zoning Resolution.

701 General Provisions

No sign except as specifically exempted herein shall be erected, displayed, relocated or altered until a permit has been issued by the Zoning Administrator. The following are the requirements to obtain a permit.

A. Completed application form.

B. Site plan and/or building elevation drawn to show the location of the proposed sign(s) on the lot and/or building, including setbacks.

C. Drawing of sign including type of construction, method of illumination, method of mounting and/or erecting.

D. The written consent of the owner or authorized agent of the underlying property.

E. A permit fee as required.

702 General Requirements

A. All signs shall be designed and constructed in conformity with the provisions of Article 14 of the Ohio Basic Building Code and National Electric Code.

B. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with all applicable regulations of the currently adopted and enforced electrical and building code(s) of the Brown County Building Department.

C. All signs shall be designated and supported as to carry the weight of the sign and shall comply with the local building code in effect.

D. All signs shall be secured in such a manner as to prevent significant movement due to the wind.

E. Outdoor advertising signs shall be classified as a business use and not permitted in the Agricultural and Residential Districts. Signs along primary highways shall conform to the regulations of the Ohio Revised Code Chapter 5516, and the regulations adopted pursuant thereto.

F. Any illuminated sign shall employ only light emitting a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, and no sign shall be placed so as to direct or permit beams to be cast directly upon a public right-of-way or adjoining property

G. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or prohibition of trespassing, except as otherwise herein permitted.

H. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.

I. No vehicle or trailer may be parked or stored on a business premises or a lot for the purpose of advertising a business product, service, event, object, location, organization, or the like.

J. The surface area of a sign shall be computed as including all of the display area of the sign, Frames and structural materials not being advertising matter shall not be included in computation of surface area.

K. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise use motion to attract attention.

L. No sign shall be placed on the roof of any building except those whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

M. No sign shall contain banners, posters, pennants, ribbons, spinners, streamers, or other moving devices. No strings or lights shall be used to attract attention.

N. No sign of any type shall be installed or attached in any form to a fire escape or fire exit.

O. All signs, permanent or temporary, shall be clearly marked with the person or firm responsible for maintaining the sign.

P. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs.

Q. No sign shall be placed in the required sight triangle of any intersection except publicly owned signs.

R. No sign shall be attached to or painted on the surface of any tree, utility pole, street light, or structure.

S. No light or sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or device.

T. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy a total or more than fifty (50) percent of the window surface

U. Should any sign become unsafe or abandoned, the person maintaining the same shall upon written notice from the Zoning Administrator proceed at once to remove or repair the sign.

V. Temporary signs shall not be permanently affixed or mounted. They shall advertise events of community, charitable or non profit organizations.

1. A temporary permit will be given for up to fourteen (14) days. No group or business may receive such a permit within three (3) months of a previous issuance.

2. A temporary sign shall not exceed fifty (50) square feet in area and must meet the general requirements in Section 702 of this Resolution.

703 Signs Permitted in all Districts, Certificate not Required

A. These signs shall not require a certificate, but are subject to all applicable governmental functions or required by any law, ordinance, resolution, or governmental regulation.

1. Signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, resolution, or governmental regulation.

2. Signs not exceeding two (2) square foot in area and bearing only property numbers, names and street, post box number, or names of occupants on the premises.

3. Real Estate Sign

   a. One unlighted sign advertising the sale, lease, or rental of the premises shall be permitted and shall not exceed eight (8) square feet in area except in the Residential District where the display area shall not exceed four (4) square feet in area.

4. Political Signs

   a. May be erected or posted with property owner's permission

b. Signs must be erected or posted no more than sixty (60) days prior to the date of the event or election.

c. All signs must be removed by the individual or organized group posting the sign within ten (10) days of the date of the event or election.

704 Signs Prohibited in all Zones

A. Mobile signs (except as permitted and regulated in business zones).

B. Overhanging signs.

C. Flashing or blinking signs.

D. Rotating or moving signs.

E. Streamers, pennants, and tag signs or similar signs or devices.

F. Abandoned signs.

G. Any sign which emits any noise or odor for the purpose of attracting attention to the sign.

705 Permitted in all Districts

These signs require a certificate and are subject to the restrictions as specified.

A. Signs or bulletin boards customary to places of worship, libraries, museums, social clubs, or societies shall not exceed thirty two (32) square feet and must be located on the premises of such institution. These signs may explain the name, activities, or services and may not project into the public right- of way.

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B. One (1) sign for lots of houses in a new residential subdivision may be erected facing each street in or abutting such subdivision. The display surface shall not exceed thirty-two (32) square feet in area, shall not be illuminated, and shall be set back from the right-of-way line of each abutting street according to the requirements for the district in which it is located. The sign must be removed by the developer as soon as the project is complete.

C. Signs directing property purchases to houses provided they do not exceed four (4) square feet in area, do not include an advertisement, and are located more than one (1) mile from the entrance. Signs must be removed by the developer upon completion of the project.

D. One sign is permitted at the entrance to a subdivision indicating the name of the subdivision. No display surface shall exceed thirty-two thirty two (32) square feet in area. There shall be no more than two (2) display surfaces and they shall not be illuminated.

E. Any sign in this section, being replaced, must have a new certificate.

706 Signs Permitted by District, Requiring a Certificate

A. Agricultural (A1) and Residential (R1)

1. Bulletin boards and signs not exceeding an aggregate area of twenty (20) square feet, bearing notice only or pertaining only to the sale of the products grown and produced or services rendered upon the premises, or advertising only the lease, hire, or sale of only the particular property upon which displayed; provided, further, that no bulletin board or other sign exceeding four(4) square feet in area shall be erected or constructed into the set back line area as established by this the Resolution for the Agricultural District. They shall not be located closer that fifty (50) feet from the right- of –way line and not closer that thirty (30) feet to any lot line. Top of sign or bulletin board shall not exceed a height of twenty five (25) feet above grade and may not be illuminated.

2. Home occupations may display one (1) sign which shall not exceed four (4) square feet in area or have any artificial lighting. Sign is not permitted in the public right-of-way.

B. Commercial and Industrial (CI) District.

1. Freestanding On Premise Sign- every commercial or business establishment may erect and maintain one freestanding on premises sign with two (2) square feet per side of sign display area for one (1) foot of lineal road frontage per right- of- way.

   a. In a multiple development, shopping center or any other development involving two (2) or more separate uses in one (1) building or a collection of buildings located on one (1) tract, of real estate, there shall be only one (1) freestanding sign for the entire development.

2. Freestanding Off Premises Sign- every commercial or business enterprise may erect and maintain one off premises sign with a maximum of one hundred (100) square feet display area. Sign may not be more than thirty five (35) feet in height and shall be set back not less than one hundred (100) feet from all road right-of-way line except as required by the Ohio Revised Code, Chapter 5516 which may require a greater set back on highways.

   a. Such Signs- shall be placed four hundred (400) feet from the Residential District and no closer at least one hundred (100) feet to any property line.

   b. Such Signs- shall be paced at least two thousand (2000) feet between signs on any single road. In the event of intersections, the signs may not be spaced closer than one thousand (1000) feet to each other.

   c. Such Signs- must be at least five hundred (500) feet from any freestanding on premises sign.

C. Non conforming signs and in existence prior to the effective date of this Resolution which violate or are otherwise not in conformity with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

707 Compliance Required

A. All new signs must comply with these regulations.

B. All signs erected prior to the effective date of this Resolution and which do not meet the requirements will be given a nonconforming status provided they have received the proper permit and said sign otherwise conforms with all provisions of the previous Zoning Resolution.

C. Should a non conforming sign collapse, burn, be removed, or require major repair, such sign shall not be replaced, repaired or altered or reconstructed except in full compliance with all the provisions of this Resolution. Major repair is defined as one constituting over fifty (50) percent of the replacement cost of the sign.

708 Violation

Any permanent or temporary sign not complying with this Resolution shall be deemed a violation and the Zoning Administrator shall give fourteen (14) days notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land such sign is erected upon to remove said sign. If any such sign has not been removed on or before the expiration date, it shall be deemed a violation and The Zoning Administrator shall take legal action for removal of the sign.

Article 8

Zoning Resolution Districts

800 Agricultural Districts

The regulations set forth in Section, 801 through section 807 inclusive, are the district regulations for the Agricultural "A1" District.

801 Permitted Uses

A building or premises shall be used only for the following purposes:

A. Agriculture, (see Article 1, section 109 hereof).

B. Single family residences, including manufactured homes, having a minimum usable floor area of one thousand (1,000) square feet excluding garage, basement, decks, porches, (enclosed and unenclosed)

1. One acre when served by public sanitary sewers or three acres when not served by public sanitary sewers.

2. A minimum of two hundred (200) feet of frontage on a public road or street.

802 Conditional Uses Requiring a Conditional Use Permit from the Board of Zoning Appeals

The following uses shall be considered conditional uses and will require written approval of the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions and safeguards as it deems necessary to protect the character of the District.

A. Churches and other places of worship, Sunday school buildings and parish houses.

B. Public elementary and high school. or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.

C. Publicly owned and operated properties.

D. Public and private forests, wildlife reservations or similar conservation projects, fishing lakes, recreational areas including the usual buildings therefor and the

sale of food and refreshments therein.

E. Cemeteries.

F. Golf courses, including such buildings, structures and uses as are necessary for their operation.

G. Hospitals and institutions of an educational, religious, charitable or philanthropic nature provided however, that such buildings shall be located upon sites containing an area of five (5) or more acres and occupy no more than ten (10) per cent of the total area of the lot.

H. Lodges, recreational buildings, community buildings and community fire houses including such structures and uses as are necessary for their operation.

I. The extraction of minerals by a landowner for the landowner's own noncommercial use where such material is extracted and used in an unprocessed form on the same tract of land. The Appeals Board may grant approval if it determines that the removal of minerals does not exceed one acre of land excavated during twelve successive calendar months. Also, proposed use shall not constitute a fire hazard, nor emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties. The land owner shall also submit a plan for the restoration of the disturbed area.

J. Radio and television transmitters and antennas and Telecommunications Towers (see Article 11).

K. Home occupations (see Section 811 below for more details).

L. Private grass landing fields shall be permitted in agriculture areas if not in conflict with county or state laws.

M. Kennels

803 Uses Prohibited

A. Landfills and all other establishments or activities operated publicly or privately for the disposal or storage of garbage, rubbish, offal, or other waste or surplus material nor originating upon the premises.

B. Junkyards.

C. Any other use not specifically permitted in this section.

804 Accessory Buildings and Uses Customarily Incidental to any of the above Uses Including:

A. A private garage/car port.

B. The keeping of customary household pets.

C. Roadside stands offering for sale only agricultural products.

805 Height Regulations

A. No building shall exceed two and one half (2 ½) stories or thirty- five (35) feet in height.

B. Public, semi-public service buildings, hospitals, intuitions or schools, may be erected to a height not exceeding sixty (60) feet and churches and temples seventy five (75) feet if the building is set back from the required yard line, at least one and one half (1 ½) feet for each foot of building height.

C. Church spires, domes, flagpoles, fire towers, belfries, monuments, tanks, watch towers, or necessary mechanical appurtenances may be erected if set back from the required yard line at least one and one half (1 ½) feet for each foot of height.

806 Setbacks

A. Front Yard

1. There shall be a minimum set back of seventy-five (75) feet from the right-of-way line of any road or street for any house or building. If the average setback distance of three (3) or more houses within five hundred (500) feet on each side is greater than the above distance, then any new home must be set back the average of said houses, except that no house shall be required to set back more than one hundred (100) feet.

2. When forty (40) per cent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more six (6) feet, no building shall project beyond the average front yard so established, but this Resolution shall not be interpreted to require a front

yard of more than one hundred (100) feet.

3. Corner lots that have double frontage, shall have the required front yard setbacks on both streets, To allow for the maximum state highway requirements, the Board shall affix, at determined high density traffic areas, special set backs.

4. Where a lot is located at the intersection of two (2) or more streets, the buildable width of such lot shall not be reduced to less than forty (40) feet, and any accessory building shall not project beyond the front yard line on either street. (Refer to paragraph 3 above.)

5. On any corner lot, no fence, structure, or planting shall be permitted within twenty (20) feet of any "corner" or stop line marker so as to interfere with visibility of the cross street. (See Traffic Visibility Diagram on page 3-7.)

B. Side Yard

There shall be a side yard on each side of a single-family dwelling; each yard shall have a width of not less than thirty (30) feet.

C. Rear Yard

There shall be a rear yard having a depth of not less than thirty (30) feet.

D. Reference Article 2 also for any General Provisions regarding area setbacks.

807 Accessory Building Regulations

Accessory buildings, except roadstands, and temporary buildings which are not part of the main building, shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard.

808 Residential "R1" District

The regulations set forth in Section 809 through Section 813, inclusive, are the district regulations for the Residential "R1" District.

809 Principal Permitted Uses

A. Single family residences, including manufactured homes, having a minimum usable floor area of one thousand (1,000) square feet excluding garage, basement, decks, porches, (enclosed and unenclosed) on individual lots if such lots contain:

1. One acre when served by public sanitary sewers or three acres when not

served by public sanitary sewers.

2. A minimum of two hundred (200) feet of frontage on a public road or street.

B. Agriculture (see Article 1, of section 109 hereof).

810 Conditional Uses Requiring Appeals Board Authorization

The following uses shall be considered conditional uses and will require written approval of the Board of Appeals. The Board of Appeals may attach such conditions and safeguards as it deems necessary to protect the character of the District.

A. Home Occupations (see Section 811 below for more details).

811 Accessory Uses

A. The office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, (but not including a beauty parlor, barber shop, music school, dancing school, business school or school of any kind with organized classes or similar activity), provided that not more than one half (1/2) of the floor area of one (1) floor of the dwelling is devoted to such office or studio: that no such use shall require internal or external alterations or involve construction features not customary in dwellings: that the entrance to such office or studio shall be from within the dwelling.

B. Customary home occupation such as handicraft, dressmaking, millinery, laundering, preserving and home cooking, provided that such occupations shall be converted solely by residence occupants in their residence and provide that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose. No such use shall require internal or external alteration or involve construction features or the use of mechanical equipment not customary in dwellings and that the entrance to the space devoted to such use shall be from within the dwelling.

C. The keeping of not more than two (2) roomers or boarders by a resident family.

812 Height Regulations, Setbacks, and Accessory Building Regulations

Section 805, 806, and 807 are incorporated by reference and shall apply in the Residential District.

813 Uses Prohibited

All uses prohibited in the Agricultural "A" District and any use not specifically permitted in Sections 809, 810, and 811 are prohibited in the Residential "R" District.

814 Commercial and Industrial (CI1) District

The regulations set forth in Section 815 to Section 821, inclusive, are the district regulations in the Commercial and Industrial District.

815 Intent

The intent of the Commercial and Industrial District is to provide for planned industrial or manufacturing uses which require extensive community facilities and direct or marginal access to primary thoroughfares and which are not incompatible with the overall rural atmosphere of Washington Township

816 Permitted Uses

Any use permitted in the Residential and Agricultural Districts shall be permitted in the Commercial and Industrial District.

The following uses shall also be permitted:

A. Barber shops

B. Beauty shops

C. Opticians

D. Photographers

E. Tailor and dressmaking shops

F. Pharmacies

G. Medical and dental offices

H. Laundromats and dry cleaning establishments

I. Non-profit clubs, lodges, and community halls

J. Banks and credit unions

K. Garden centers and hardware stores

L. Farm produce stands

M. Food stores

N. Liquor stores

O. Retail bakery, (not including commercial bakeries serving other areas)

P. Specialty shops including:

1. Art supplies
2. Books and stationary
3. Dry goods and notions
4. Sporting goods
5. Jewelry and gifts
6. Music supplies
7. Antiques and crafts

Q. Offices, professional and business

R. Restaurants, including drive-in and fast food types

S. Gasoline stations - provided tanks are buried beneath the ground. Automobile minor repairs when conducted inside the building.

T. Establishments, including sales lots, for the display, hire, sale, and major repair of automobiles, trucks, trailers, and farm implements. All operations other than display and sales shall be within an enclosed building.

U. Trucking and truck terminals, including storage warehouses and transfer facilities.

V. Motels, provided that access is from a state or federal highway.

W. Lumber and building material sales yards, millwork and prefabrication; building materiel sales, storage yards, and woodworking plants.

X. Appliance, small engine and small tool repair.

Y. Commercial food processing and packaging.

Z. Agricultural feed mill and related product sales.

AA. Machine shops and light manufacturing of precision instruments.

BB. Commercial baseball fields, swimming pools and similar open air recreation uses, and structures and facilities if located at least one hundred and fifty (150) feet from any residence.

CC. Contractor equipment storage yard or plant such storage yard and plant shall be located at least two hundred (200) feet from Residential Districts and one hundred (100) feet from adjoining property lines.

DD. Bars, cocktail lounges, night clubs, billiard and pool halls, bowling alleys, private clubs, dance halls, roller skating rinks and similar establishments.

EE. Miniature golf courses and golf driving ranges.

817 Conditional Uses

All conditional uses in the Commercial and Industrial District are subject to the standards listed in Section 818. The conditional uses in this District shall include but not be limited to other uses similar to storage, repair, manufacturing or industrial processes including food processing which by the nature of the materials, equipment, and processes utilized, are not objectionable. Conditional uses include:

A. Neighborhood shopping centers and other groupings of commercial buildings where there is a development of five (5) or more retail or service establishments under single ownership, provided:

1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.

2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.

3. The entrances and exits shall be located where possible so as to afford unobstructed sight distance for five hundred (500) feet in each direction along the highway.

4. All other applicable provisions of this Resolution are met.

B. Drive-in theaters subject to the same conditions and restrictions as follows:

1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.

2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.

3. The entrance and exits shall be located, where possible, so as to afford unobstructed sight distance for five hundred (500) feet in each direction along the highway.

4. All buildings and structures (except fences) shall be at least one hundred (100) feet from any property line.

5. The picture screen shall not face or be placed so it may be viewed from any major highway and shall be screened from view by trees or fences from adjacent roads.

6. Provisions shall be made to subdue speaker sounds when the theater abuts a Residential District.

7. All other applicable provisions of this Resolution are met.

C. Equipment rental

D. Self Storage in a totally enclosed structure

E. Major manufacturing, processing, warehousing and major research or testing operations.

F. Sexually Oriented Businesses as described and regulated in Article 12.

G. Quarries, Mining, and Gravel Pits as described and regulated in Article 10.

H. Telecommunication Towers as described and regulated in Article 11.

818 Plans and Standards

Before the issuance of a certificate for the construction of an industrial building, structure or usage in the Commercial and Industrial District, plans for such building, structure or uses above, on, or below the surface, along with an outline of the process utilized in the manufacturing or assembly of the product or an explanation of the nature of the business to be conducted, shall be presented to the Board of Zoning Appeals. In determining if the proposed use is in compliance with the intent of this Section, the Board of Appeals shall be guided by the following standards:

A. Fire Hazards:

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved (refer to the State of Ohio Fire Code).

B. Radioactivity or Electrical Disturbance:

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise:

Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Disaster, emergency or warning sirens or related apparatus used solely for public purposes are exempt from this requirement.

D. Vibrations:

No vibration shall be permitted which is discernible without instruments on any lot or property, other than the lot or property on which the vibration is generated.

E. Air Pollution:

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

F. Glare:

No direct or reflected glare shall be permitted which is visible from any property outside the Commercial and Industrial District or from any street.

G. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Water Pollution:

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency. The Board of Zoning Appeals, in making its determination, may solicit advice from the U.S. Soil Conservation Service, Brown County Planning Commission, Ohio Environmental Protection Agency and such other agencies as it may deem necessary.

819 Setbacks

A. The front setback for all uses permitted in this District shall be seventy five (75) feet from the right-of-way line.

B. A minimum side yard of twenty (20) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of one hundred (100) feet shall be required.

C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except where the lot adjoins the Residential District, in which case a rear yard of one hundred (100) feet shall be required.

D. Whenever a plan for Brown County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be set back from the proposed right-of-way line.

E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent Agricultural or Residential District. Landscape buffer screens shall be provided and maintained in accordance with Article 2, **Section 206**.

F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix special setbacks at determined high density traffic areas to coincide with changing highway requirements.

G. There shall be no projection beyond the setback lines as determined above.

820 Intensity of Use

A minimum lot size of three (3) acres shall be required in the Commercial and Industrial District.

821 Prohibited Uses

Any use not specifically permitted or allowed in the preceding sections are prohibited in the Commercial and Industrial District.

Article 9

Nonconformities/Nonconforming Uses

900 Purpose:

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

901 Conditional Use Cannot be a Nonconforming Use

Any use which is permitted as a conditional use in a District under the terms of this Resolution shall not be deemed a nonconforming use in such District, but shall, without further action, be considered a conforming use.

902 Incompatibility of Nonconformities

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

903 Avoidance of Undue Hardship

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

904 Certificates for Nonconforming Uses

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

905 Substitution of Nonconforming Uses

Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use. The Zoning Administrator may approve the substitution of one non- conforming use for another, under the following circumstances: (1) the substituted use is of the same classification as non-conforming use; (2) the substituted use is less intensive than non-conforming use; and (3) the substituted use is equally appropriate or more appropriate to the District than the existing non-conforming use. In determining the appropriateness for a "substitution of nonconforming uses" the Zoning Administrator shall, to the best of his abilities,

examine the degree of positive and negative change in degree of risk to, or impact upon, the Township from factors in, but not necessarily limited to, the following list:

A. Frequency of or magnitude of fire services.

B. Frequency of or magnitude of need for law enforcement services.

C. Danger from chemical or other hazardous materials.

D. Danger to human life from operations or use of land.

E. Danger to community from air, water, and/or land pollution.

F. Density of population residing in, employed in, or visiting the land or buildings.

G. Impact upon pedestrian traffic.

H. Impact upon vehicular traffic.

I. Impact upon parking within and without the premises.

J. Impact of noise upon neighboring properties.

K. Impact of lighting upon neighboring properties.

L. Interference with the circulation of air, light, and/or water.

M. Impact upon water supply.

N. Impact upon sewer system.

O. Visual impact upon surrounding properties.

P. Economic impact upon surrounding properties and/or the Township.

Q. Compatibility with surrounding community character.

R. Impact on the general health, safety and welfare of the surrounding properties and Township as a whole.

906 Nonconforming Uses of Land

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

A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;

B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;

C. If any such nonconforming uses of land are voluntarily discontinued or abandoned (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located;

D. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

907 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall

be extended to occupy any land outside such building;

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the nonconforming use may not thereafter be resumed;

D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located.

908 Termination of Nonconforming Use through Discontinuance

When any nonconforming use is voluntarily discontinued or abandoned any new use shall not thereafter be used except in conformity with the regulations of the District in which it is located, and the nonconforming use may not thereafter be resumed.

909 Termination of Nonconforming Use by Damage or Destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

A. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.

B. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

910 Repairs and Maintenance of Nonconforming Structures

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

Article 10

Special Provisions

1000 Community or Club Swimming Pools

Community and club swimming pools are permitted in all districts as a conditional use and shall comply with the following conditions and requirements

A. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.

C. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall must be constructed of a substantial material. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

1001 Quarries, Mining, and Gravel Pits

Quarries, mining, and gravel pits shall be conditional uses within the Commercial Industrial (CI) District with a "Conditional Use Permit." The Board of Zoning Appeals shall have the authority to hear and decide an application for a conditional use permit. In addition to the other requirements imposed by this Resolution, the following requirements shall be met.

A. Six (6) copies of additional information are required and shall be submitted with the conditional use application which shall include:

1. Name of the owner or owners of land from which the operation is being carried on.

2. Name of the applicant making the request for such a permit.

3. Name of the person or corporation conducting the actual operation.

4. Location, description, and size of the area from which the removal is to be made.

5. 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. A statement that the mining processor plant shall be located as to minimize the problems of dust, dirt, and noise insofar as is reasonably possible.

6. Type of resources or materials to be removed.

7. Proposed method of removal and whether or not blasting or other use of explosives will be required.

8. General description of the equipment to be used.

9. 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 area within four hundred (400) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

B. Development standards

1. No part of the quarrying, mining operation, or gravel pit shall be closer than five hundred (500) feet to any property line, road, or street.

2. For the protection of public safety, the individual, firm, or corporation in charge of the operation shall erect and maintain a metal fence at least eight (8) feet in height around the entire area and said fence shall be suitably posted advising the public of the operation contained therein and stating that no trespassing is permitted.

3. Roads leading into the quarry, pit, or mine shall be kept free of dust and mud and in adequate condition for the traffic carried. Roads exiting the facility shall contain at least two (2) 60° curves and be paved with a durable and dustless surface for a distance of at least two hundred feet from the public right of way to prevent mud and gravel from entering onto the public right-of-way.

4. Any excavated area adjacent to the right-of-way of any public street or road shall be back-filled for a distance of five hundred (500) feet from the right-of-way line.

5. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration.

6. No mining is permitted above or below ground outside the perimeters of the Commercial Industrial (CI) District.

7. The Zoning Board of Appeals is authorized to impose such requirements with respect to providing additional adequate conditions as it may feel necessary in accordance with Ohio Revised Code 519.141, or any superseding code section.

Article 11

Telecommunication Towers and Small Wind Energy Systems

1100 Telecommunication Towers

The construction, location, erection, reconstruction, alteration, change, use or enlargement of telecommunication towers upon application and compliance with the Ohio Revised Code Section 519.211 and this Resolution, shall be a conditional use in the Residential District and permitted in the other districts if it meet the public utility exemption as set forth in Section 1105 herein.

1101 Definition of Telecommunications Tower

"Telecommunications Tower" is any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

A. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.

B. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

C. The free-standing or attached structure is proposed to be located in an unincorporated area of the Township that is zoned for residential use.

D. The free-standing structure is proposed to top at a height greater than the maximum allowable height of the residential structures within the zoned area or the maximum allowable height of such a free-standing structure.

E. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached or the maximum allowable height of such an attached structure.

F. The free-standing or attached structure is proposed to have attached to it radio frequency transmission and/or reception equipment.

1102 Purpose

It is the purpose of this Article of the Washington Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:

A. Protect the Residential District and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.

B. Accomodate the wireless Telecommunications Towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.

C. Promote colocation as an alternative to siting new wireless Telecommunications Towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.

D. Consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.

E. Protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.

F. Encourage monopole wireless tower construction where feasible.

This Article shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This Resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

1103 Site Plan

In addition to the information required by this Resolution for an application for a Zoning Certificate, the site plan for a wireless telecommunications tower and appurtenant facilities shall include the following items:

A. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.

B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.

C. The height of the Telecommunications Tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate colocation opportunities.

D. The dimensions of all buildings, structures, driveways, parking areas, and all appurtenant facilities shall be provided.

E. Existing easements of record and proposed easements with dimensions shall be shown.

F. A copy of a title examination for the subject premises shall be submitted.

G. The shipping weight of the wireless Telecommunications Tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.

1104 Fees

In addition to general application fees for a Zoning Certificate, the applicant for a wireless Telecommunications Tower and appurtenant facilities shall be responsible for all expenses incurred by the Township and any technical and or engineering services deemed necessary by the Zoning Administrator, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this section of the Zoning Resolution.

1105 Public Utility Exemption

This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to Ohio Revised Code 519.21(B)(4)(a), the provisions of this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless Telecommunications Tower and appurtenant facilities.

In the event a wireless Telecommunications Tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of the telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the Township. The proponent of such tower facility must file a written application with the Zoning Administrator supported in writing by substantial evidence that the tower will be owned and principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption.

A. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;

B. Whether the applicant provides its good or service to the public indiscriminately and reasonably;

C. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;

D. Whether the applicant conducts its operation in such a manner as to be a matter of public concern:

E. Whether the good or service is vital:

F. Whether there is a lack of competition in the local marketplace for the good or service:

G. Whether there is regulation by a government authority and the extent of that regulation;

H. Whether the applicant possesses the power of eminent domain.

No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services." Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

If the Zoning Administrator determines to deny the applicant such 'public utility" status, he shall do so in writing and state the reasons therefor. Such decision of denial by the Zoning Administrator may not be final decision by the Township on the issue. Any determination by the Zoning Administrator that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning appeals pursuant to the procedures set forth in this Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the Township on the issue.

In the event a wireless Telecommunications Tower and appurtenant facility is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use, and is to be owned and principally used by the public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in A to H above.

1106 Location Restrictions and Requirements for Telecommunications Tower

A wireless Telecommunications Tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the Agricultural and Commercial & Industrial districts or on a lot in the Residential District used for lawfully existing nonresidential purposes limited to public safety departments, schools, churches, parks, or federal, state, county, or township buildings or uses, as a conditional use subject to the approval of the Board of Zoning

Appeals pursuant to the procedure set forth in Article 5 of this Resolution and the following conditions as well as the regulations specified in this article.

A. No wireless Telecommunications Tower, equipment, building, or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Brown County.

B. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless Telecommunications Tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times

C. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and properly restored as necessary.

D. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state and county regulations. The report shall include a detailed site plan as required by Section 1103 of this resolution; a detailed description of the wireless Telecommunications Tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; shall verify the design and construction and specifications for the tower; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.

E. A wireless Telecommunications Tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.

F. A wireless Telecommunications Tower should be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

G. No advertising sign(s) shall be permitted anywhere on a Telecommunications Tower, equipment shelter, and appurtenances or on the site.

H. No more than one (1) warning sign, the maximum size of which shall be six (6) square feet, shall be posted on the site as well as emergency telephone number. The applicant shall also provide the fire department, the Brown County Sheriff's Office, and the county emergency management agency with information on who to contact, an address, and telephone number in the event of an emergency. No other signs shall be posted on the site.

I. A wireless Telecommunications Tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.

J. The applicant shall submit a plan documenting how the wireless Telecommunications Tower, equipment shelter, and appurtenances will be maintained on the site.

K. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.

L. The applicant shall demonstrate that colocation is not feasible for one or more of the following reasons.

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The proposed equipment would cause radio frequency inferences with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.

3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.

4. Colocation would violate federal, state, or county regulations.

5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.

6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.

M. The owner/ operator of a free-standing monopole wireless Telecommunications Tower shall be required to allow colocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations, and standards set forth herein.

N. The owner of any wireless Telecommunications Tower erected under this section shall be required to accept colocation of any other antenna(s) except upon a showing of technological non-feasibility as set forth herein.

O. A wireless Telecommunications Tower shall be designed structurally, electronically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

P. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.

Q. The minimum distance between wireless Telecommunications Towers including their appurtenant facilities shall be 1,250 feet.

R. If at any time the use of a wireless Telecommunications Tower, equipment shelter, and appurtenances is discontinued for sixty (60) consecutive days, said facilities shall be deemed abandoned. The Zoning Administrator shall notify the applicant in writing by certified mail (return receipt request) and advise that the facility must reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional Zoning Certificate for the site shall be revoked following a hearing thereon by the Board of Zoning Appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all time be kept in good repair. The Board of Zoning appeals shall require a cash or surety bond of not less than one hundred dollars ($100.00) per vertical foot from natural grade as part of a conditional Zoning Certificate to ensure such conditions, including, but not limited to the removal of the tower are met. This bond must be filed with the Township Fiscal Officer and proof of current bond must be supplied to said officer on a renewal due date basis.

S. A wireless Telecommunications Tower shall not be located between the principal building or structure on a lot and public road right-of-way.

T. Wireless Telecommunications Towers, antennas, and appurtenances mounted to a building or structure.

1. A wireless Telecommunications Tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) when such tower, antenna, and appurtenances meets the provisions of this section.

2. The maximum height of the tower, antenna, or appurtenances shall not exceed the (10) feet above the highest point of the roofline and the transmission and receiving equipment where feasible, shall be stored inside the existing building or structure or on the roof in an enclosure. If the wireless Telecommunications Tower or antenna is located on the roof of a building, it shall be located as far as possible away from the edge of the building. All wireless Telecommunications Towers, antennas, or appurtenances shall be painted or otherwise treated so as to match the exterior of the building. The foregoing does not preclude the use of small base stations and repeaters on the sides of buildings, utility poles or in ground mounted pedestals.

3. There shall be no more than two (2) wireless Telecommunications Towers or antennas mounted on a legally existing building or structure.

4. A wireless Telecommunications Tower, antenna, and appurtenances shall comply with all of the regulations for the Zoning District in which it is located, including minimum yards (setbacks), except as my otherwise be specified in this section of the Zoning Resolution.

U. Free-standing wireless Telecommunications Towers, antennas, and appurtenances

1. The maximum height of a freestanding monopole wireless Telecommunications Tower, including antenna(s) and appurtenances shall not exceed 200 feet.

2. The minimum setback from the nearest lot line to the base of a wireless Telecommunications Tower, antenna, and appurtenances shall be 50% of the height of the tower within any Zoning District.

3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be twelve (12) feet. There shall be no more than one (1) equipment shelter located on a lot in conjunction with a wireless Telecommunications Tower or antenna. An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have colocated on the same wireless tower.

4. A free-standing monopole wireless Telecommunications Tower shall be designed to support the colocation of at least three (3) antenna platforms of equal loading capacity.

5. A wireless Telecommunications Tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the Zoning District in which it is located, except as may otherwise be specified in this section of the Zoning Resolution.

1107 Small Wind Energy Systems

The construction, location, erection, reconstruction, alteration, change, use or enlargement of small wind energy systems shall be a permitted use in all districts if the power is consumed on the owner's premises. If the power is sold or provided to others off the premises, the system is prohibited in the Residential District and shall be a conditional use in the other districts. All small wind energy systems shall be subject to the following restrictions contained herein.

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 (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 the 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 a 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 trials, bike ways or sidewalks.

   (e) Any structure other that a structure to which it is

attached.

3. The setback shall be measured to the center of the tower's base.

C. 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 foundations.

   (b) A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination 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 win energy system shall be sited in a manner that does not result in a shadowing or flicker impact on neighboring ort adjacent uses. For purposes of this provision, "flicker" refers to the moving shadow created by the sun shining on the rotating bladed of the small wind energy system.

D. Appearance

1. All signs, other that the manufactures 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 system shall be of the same color and of non-reflective finish.

4. No devise 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 be securely fastened or attached to another portion of the small wind energy system.

E. 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 energy system is located.

Article 12

Sexually-Oriented Businesses

1200 Purpose

It is the purpose and intent of this Article to regulate sexually-oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Township. A further purpose is to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually-oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually-oriented materials. It is not the intent, nor effect of this Article, to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent, nor effect of the Article, to condone or legitimize the distribution of obscene material.

1201 Classification of Sexually-Oriented Businesses

Sexually-oriented businesses are classified and include the following:

A. Adult arcade.

B. Adult bookstore, adult novelty store or adult video store.

C. Adult cabaret.

D. Adult motel

E. Adult motion picture theater.

F. Adult theater.

G. Sexually oriented massage parlor.

H. Sexual encounter establishment.

I. Escort agency.

J. Nude model studio.

1202 Location Restrictions and Requirements for Sexually-Oriented Businesses

The sexually-oriented businesses shall be permitted only in the Commercial and Industrial District. In addition, any sexually-oriented businesses shall be subject to the following restrictions.

A. No sexually-oriented business shall be operated within one thousand (1,000) feet of the property line of:

1. Any religious place of worship.

2. Any public or private school, boys club, girls club, dance/gymnastics studio or similar existing youth organization.

3. A public park.

4. Any property zoned for residential purposes.

B. No sexually-oriented business shall be operated within one thousand (1,000) feet of the property line of another such business, which will include any adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.

C. No more than one (1) sexually-oriented business shall be operated, established, or maintained within the same building, structure, or portion thereof.

D. Nothing in this Article shall prohibit a person appearing in a state of nudity for a modeling class operated:

1. By a proprietary school, licensed by the State of Ohio, a community college, college or university supported entirely or partly by taxation.

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a community college, college, or university supported entirely or partly by taxation.

3. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; where to participate in a class a student must enroll at least three (3) days in advance of the class and where no more than one (1) nude model is on the premises at any one time.

1203 Measurement of Distance

Regarding Sections 1201 and 1202, distances between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the property line of each business. The distance between any sexually-oriented business and any religious place of worship, public or private elementary or secondary school, boys club, girls club or similar existing youth organization, public park or any properties zoned for residential use shall also be measured in a straight line, without regard to intervening structures or objects from the property line where the sexually-oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, public park or any properties zoned for residential use.

1204 Application Requirements

The completed application shall contain the following information and shall be accompanied by the appropriate documents, including a map drawn to a sufficient scale, and marked to indicate all land uses within one thousand (1,000) feet of the property lines. The property lines of any established religious place of worship, school, public park, or recreation area within one thousand (1000) feet of the property shall be high-lighted. For purpose of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

1205 Advertising and Lighting

A. No sign, advertisement, promotional material or display of any type shall be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas nor the public right of way of any street or roadway except as permitted under paragraph B of this Section.

B. No displays or exhibits of materials and/or performances at such sexually-oriented businesses shall be allowed in advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually-oriented businesses. The business shall not allow any portion of the interior premises to be visible from outside the premises.

C. All off-street parking areas and entries to the sexually-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system providing an average maintained horizontal illumination of one (1) foot candle on the parking surface and/or walkways. This required lighting level is established to provide sufficient illumination of the parking areas and walkways serving the sexually-oriented business for the personal safety of patrons and employees, and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

D. Nothing contained in this section of the Article shall relieve the operator (s) of the sexually-oriented business from complying with other requirements of this Resolution as it may be amended.

1206 Definitions

For the purpose of this Article, certain terms and words are defined as follows:

A. Sexually-Oriented Businesses are those businesses defined as follows:

1. Adult arcade means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer people each, are regularly used to show 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 area.

2. Adult bookstore, adult novelty store, or adult video store means a commercial establishment where 50 percent or more of its stock-in-trade or 50 percent or more of its revenues are derived from the sale, or rental, for any form of consideration, of any one (1) or more of the following:

   a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas.

   b. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

   c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store, so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

3. Adult cabaret means a night club, bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which people appear in a state of nudity in the performance of their duties.

4. Adult motel means a motel, hotel or similar commercial establishment which:

   a. 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 are characterized by the depiction or description of 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-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

   b. Offers a sleeping room for rent for a period of time less than ten (10) hours.

   c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

5. Adult Motion Picture Theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic

reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown.

6. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features people who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

7. Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments., or any other treatments manipulation of the human body which occurs as part of or in connection with specified sexual activates, or where any person providing such treatment, manipulation, or service related thereto, expose his her specified anatomical areas. The definition of a sexually-oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed Chiropractor or osteopath nor by any nurse or technician working under The supervision of a licensed physician, surgeon, chiropractor, or osteopath; Nor by trainers for any amateur, semi professional or professional athlete, or athlete, or athletic team or school athletic program.

8. Sexual encounter establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) 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 (1) or more of the people is in a state of nudity or semi nudity. The definition of sexually-oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

9. Escort means a person, who for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, Or a person who agrees or offer privately model lingerie, or to privately, perform a strip tease for another person. Escort agency means a person or business association that furnishes, offer to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration

10. Nude model studio means any place where a person, who regularly appears in a state of nudity or, displays specified anatomical areas, is provided money, or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other people.

B. Nudity or state of nudity means the showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.

2. The female breast with less than a fully opaque covering on any part of the nipple.

C. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast as well as portions of the body covered by supporting straps or devices.

D. Specified anatomical areas mean and include any of the following: less than completely and opaquely covered human genitals, public region, buttocks, anus or female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

E. Specified sexual activities mean and include any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.

2. Sex acts, normal or perverted, actual or simulated, including intercourse, (vaginal/ and or anal) or oral copulation.

3. Masturbation, actual or simulated.

4. Human genitals in a state of sexual stimulation, arousal or tumescence.

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this Subsection.