

ARTICLE 13

GENERAL REGULATIONS

SECTION 1 The regulations set forth in this Article qualify or supplement the regulations appearing elsewhere in this Resolution.

SECTION 2 NON-CONFORMING USES

A. Continuance of Non-Conforming Use.

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

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

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

SECTION 3 OFF-STREET PARKING STANDARDS

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

A. When Required

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

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

B. Location

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

C. Uses

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

D. Minimum Size and Number

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

(Revised January 8, 2001)

E. Traffic Control

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

F. Parking Area Diagram

A parking diagram, drawn to scale and showing the traffic control plan and the exact size and location of each parking space and loading space required, shall be prepared for each required parking area, and shall be submitted with each application for a Zoning Certificate. The parking area diagram shall provide maneuvering space for parking in the form of access aisles of the following minimum widths:

12 feet for 30 degree parking

15 feet for 45 degree parking

18 feet for 60 degree parking

22 feet for 90 degree parking

G. Maintenance

The surfacing, landscaping and screening of any parking area shall be maintained in good condition and such maintenance shall include repair of surfacing, trimming and necessary replacement of landscaping and screening, and removal of debris and foreign objects.

1. Surfacing

All open off-street parking areas (except a required parking space accessory to a single family dwelling) shall be graded, and provided with a hard surface of bituminous or portland cement concrete, except single family residential tracts exceeding forty thousand (40,000) square feet in land area.

2. Separation

All open off-street parking areas shall be separated from public sidewalks by a space at least 4 feet in width, and a 6 inch high barrier shall be provided on the parking lot side of the four (4) foot width.

3. Screening

When any open off-street parking area containing more than 4 parking spaces is adjacent to a Residential District, an effective buffer or screen, consisting of a solid wall, fence, or dense living hedge, shall be provided at the lot line as a visual barrier protecting the privacy of the adjoining residential uses. Such wall, fence, or hedge shall not be less than six (6) feet in height.

4. Lighting

Any lighting used to illuminate off-street parking areas shall be equipped with suitable shielding or be so designed as to prevent a glare at eye level on surrounding public or private property. Maximum height from the ground, excluding mounting of any lighting pole, including base, or wall mounted light shall be 28 feet.

5. Repair and Service

No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.

6. Drainage

All open off-street parking areas shall be provided with adequate drainage facilities and shall comply with the Montgomery County Drainage Regulations. (Revised January 8, 2001)

7. Landscaping

Every parking area shall be partially shaded by deciduous trees each 2 inches or more in diameter at the edge of and/or within said area. One such tree shall be located within said parking area for each 10 parking spaces and within 50 feet of every parking space. The required front side and rear yards adjoining any parking area shall be landscaped with grass, trees, evergreen ground cover or hardy shrub as provided elsewhere in General Regulations.

8. Marking

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in clearly visible condition.

SECTION 4

MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned in the eight (8) groups for off-street parking requirements, the requirements for a use which is mentioned and to which said use is similar shall apply. Off-street parking facilities for one use shall not be considered as providing requirements for any other use.

SECTION 5

OFF-STREET PARKING REQUIREMENTS

Off-street parking requirements shall be as follows:

<u>Use</u>	<u>Number of Spaces Required</u>
Group Number 1	
<u>Dwelling and lodging uses:</u>	
One and two family dwellings	Two spaces for each dwelling
Three or more dwelling units	Two spaces for each dwelling
College or university owned or leased housing, fraternities and sororities	One space for each three occupants calculated on the design capacity of the building
Hotels and motels	One space for each rental unit, plus one space for each employee on the maximum work shift plus such spaces as required by the Resolution for restaurants, assembly rooms and affiliated facilities
Group Number 2	
<u>Retail Establishments:</u>	
Retail stores	5.5 spaces required per 1000 square feet gross floor area
Barber shops, beauty parlors, or similar personal service	Two spaces per chair
Eating places	One space per 2 seats with a minimum of fifteen spaces for Eating Places - Drive-In, and ten spaces for Eating places - Carry-out plus one space for each 2 employees based on the maximum employees on the major work shift.

Automobile service stations	Six spaces, except those stations which primarily dispense only petroleum products and have no under-roof facilities for the repair and service of motor vehicles will require only two spaces
Furniture stores, appliance stores, automobile salesrooms and new and used car lots	One space for each 1000 square feet of enclosed floor area one space for each 3000 square feet of open lot area devoted to the sale and display of motor vehicles
Laundromats	One space for each two washing machines
Private Clubs and Lodges	One space for each three club members, plus one space for each room which can be used to provide lodging accommodations for members and their guest and one space for each 2 employees based on the maximum employees on the major work shift.
Group Number 3 <u>Office:</u>	
Administrative or business office	One space for each 200 sq. ft. of floor area
Group Number 4 <u>Medical and Health:</u>	
Dental clinics and office	One space for every 150 sq. ft. of office space or clinic.
Medical clinics and offices	One space for every 150 sq. ft. of office space or clinic
Hospital or similar medical facility	One space for each hospital bed, plus one space for each two employees and staff on the combined major work shifts
Nursing home, rest home and convalescent	One space for each two beds
Funeral homes	One space for each 50 sq. ft. floor area in public rooms, plus one space for each vehicle maintained on the premises

Animal hospital and kennel	One space for each 300 sq. ft. of floor area
Group Number 5	
<u>Education:</u>	
Elementary schools, Junior high schools, public or private	One space for every 25 classroom seats plus one space for each teacher or other employee
High schools, public or private	One space for each 5 students based on the design capacity of the building plus one space for each teacher or other employee
Nursery or child care centers	Two spaces, plus at least 1 for every 20 children and plus one for each staff member
Colleges and universities	One space for each 5 classroom seats, plus one space for each 3 seats in an auditorium
Trade or commercial schools	One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee
Libraries, museums, art galleries, and other public buildings	One space for each 300 sq. ft. of floor area
Group Number 6	
<u>Recreation and Religion:</u>	
Churches, chapels, temples, synagogues auditoriums, gymnasiums, stadiums and other places of public assembly	One space for each three seats or bench seating spaces in the main auditorium
Theaters	One space for each two seats
Assembly halls, exhibition halls or rooms without seats	One space for each 50 sq. ft. of floor area
Golf courses, swimming pools or similar places	One space for each three patrons the establishment is designed to serve
Enclosed place of amusement or recreation or similar place of assembly	One space for each 100 sq. ft. of floor area devoted to assemblies
Bowling establishments	Five spaces for each bowling lane, plus such additional space as may be required for affiliated uses

Group Number 7
Volume Business:

Wholesale lumber yard and building materials, storage building and yards, feed and coal yards, ready-mix concrete

One space for each 3,000 sq. ft. of area, plus one space for each employee on the largest shift

Group Number 8
Retail Manufacturing and Processing, and Manufacturing:

Manufacturing, warehousing, wholesaling or similar establishments.

One space for each two employees on the combined work shifts, plus one space for each 10,000 sq. ft. of floor area, plus one space for each vehicle maintained on the premises

SECTION 6 OFF-STREET LOADING SPACES REQUIRED

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

SECTION 7 OFF-STREET LOADING REQUIREMENTS

Off-street loading requirements shall be as follows:

<u>Building Area</u>	<u>Number of Spaces Required</u>
Less than 1,000 sq. ft.	None required
More than 1,000 sq. ft. but less than 10,000 sq. ft.	One space
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two spaces
40,000 sq. ft. or more	Three spaces, plus one space for each 30,000 sq. ft. over 40,000 sq. ft. of building area

SECTION 8 OFF-STREET LOADING STANDARDS

- A. Dimension: Each off-street loading space shall be at least ten (10) feet in width by sixty-five (65) feet in length having vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.
- B. Surfacing: All open loading spaces shall be graded and improved with bituminous concrete or portland cement concrete.
- C. Drainage: All loading spaces shall be provided with adequate drainage facilities which shall comply with the Montgomery County Drainage Regulations. (Revised January 8, 2001)

- D. Location: All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front or side yard when adjacent to a Residential District. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.

SECTION 9

EXTRACTION OF MINERALS

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

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

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

SECTION 10

DEVELOPMENT STANDARDS FOR EXTRACTION OF MINERALS

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

SECTION 11

REHABILITATION REQUIREMENTS FOR EXTRACTION OF MINERALS

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

- A. All excavation shall be made either to water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, noncombustible and nonflammable solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - 2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that

will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

- B. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped on the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.
- C. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
- D. Proper drainage shall be provided for the mined-out area.
- E. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.
- F. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
- G. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest.

SECTION 12

NOISE: METHOD OF MEASUREMENT

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

SECTION 13

EXEMPTIONS

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

- A. Noise not directly under the control of the property users.
- B. Noise emanating from construction and maintenance activities between the hours of 7 AM to 9 PM.

- C. The noises of safety signals, warning devices, and emergency pressure relief valves.
- D. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

SECTION 14 REQUIRED PERFORMANCE LEVEL

No operation or activity shall cause or create noise in excess of the sound levels prescribed herewith.

SECTION 15 NOISE: DISTRICT STANDARDS

Standards in the "OR" thru "O-3" Office Districts, "B-1" thru "I-1" Business and Industrial Districts and the "PD-0" through "PD-I" and all Residential Districts.

- A. At the District Boundaries.
 - 1. In the "OR" thru "O-3" and the "B-1" thru "I-1" Districts at no point on or beyond the boundary of the Zoning District, shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables IA and IIA.
 - 2. In all Residential Districts, at no point within the District and at no point on or beyond the Zoning District shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables IA and IIA.

TABLE IA. PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	65
63.0	67
125.0	66
250.0	59
500.0	52
1,000.0	46
2,000.0	37
4,000.0	26
8,000.0	17

TABLE IIA. PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	67
76-150	66
151-300	61
301-600	54
601-1200	47
1201-2400	39

2401-4800	29
4801-10KC	20

B. AT LOT LINES

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

TABLE IB. PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

TABLE IIB. PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
76-150	70
151-300	64
301-600	59
601-1200	53
1201-2400	47
2401-4800	40
4801-10KC	34

SECTION 16

PROVISIONS AFFECTING AREA, YARDS AND COURTS

A. STREET FRONTAGE REQUIRED

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel within "R-1" through "R-5" shall contain any building used in whole or in part for residential purpose unless the front line of such lot abuts fully on a dedicated street or an approved private street. There shall be not more than one principal building for each lot. Each lot shall meet the frontage requirements of the zoning district in which it is located.

B. REDUCTION AND ENCROACHMENT OF OPEN SPACE

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution except as permitted under Open Space Transfer to the Park District, and, if already less than minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of yard, court, parking area or other space required under this Zoning Resolution, for another building or structure. (Revised January 8, 2001)

C. LOT OF RECORD

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

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

D. LANDSCAPING OF YARDS IN RESIDENTIAL AREA

Grass and/or ground cover for any residential dwelling shall be completed within one year of receiving the occupancy permit for that dwelling.

No automobile or truck shall be parked on such grass and/or ground cover in the front yard after the occupancy permit is issued.

SECTION 17 EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

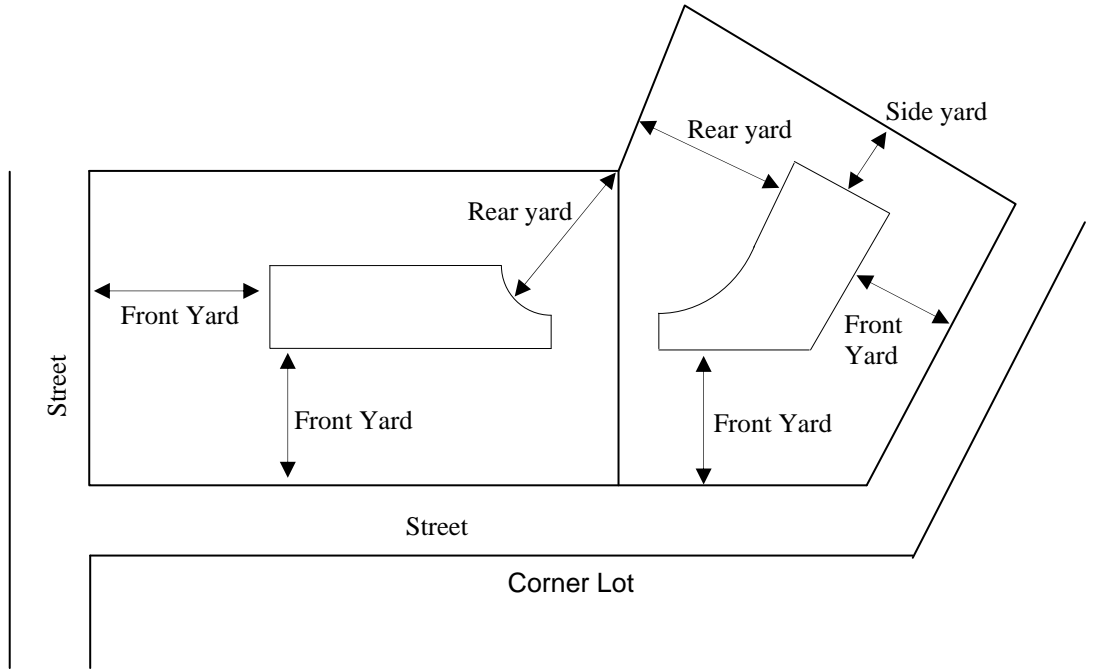
A. HEIGHT LIMITS

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

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

B. CORNER LOTS

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



C. DECREASED FRONT YARD IN "A" OR "R" DISTRICTS

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

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

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

D. INCREASED SIDE YARD IN "A" AND "R" DISTRICTS

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

E. LOCATION & RELATIONSHIP OF "I-1" DISTRICT TO OTHER ZONES

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

F. PROJECTIONS INTO REQUIRED YARDS

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

1. Into any required front or side yard adjoining a side street:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
 - b. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
 - c. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 - d. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three sides, except for railing or banisters.
 - e. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
2. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
3. Subject to the limitations in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

G. FRONTAGE ON CUL-DE-SAC IN "A" AND "R" DISTRICTS

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

H. FENCES AND WALLS

The maximum height of fences and walls located in any front yard shall be four (4) feet except as provided in TRAFFIC VISIBILITY IN CORNER LOTS. The maximum height of fences and walls in side and rear yards shall be six (6) feet. A tennis court may have a maximum ten (10) foot high fence. Any tennis court fence over six (6) foot high shall be of material that is green, brown or black vinyl clad chain link.

I. TRAFFIC VISIBILITY ACROSS CORNER LOTS

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

J. LOCATION OF ACCESSORY BUILDING AND PRIVATE SWIMMING POOL IN "A" AND "R" DISTRICTS

Except as otherwise provided herein, any non-residential building accessory to a dwelling and a private swimming pool may be located in the rear yard provided it conforms to the side yard requirements of the lot and is placed 5 feet or more from the rear lot line. However, if placed to the rear of the rear yard, then it may be located 5 feet or more from any lot line, provided each and every part of the accessory building or swimming pool is closer to the rear lot line than to any part of the main building. The maximum rear yard which can be used by an accessory building or buildings is 20%. The maximum all combined accessory uses and buildings may occupy in the rear yard is 35%.

K. LOCATION OF REAR DWELLINGS IN AN "A" DISTRICT

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

L. LIGHTING

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

SECTION 18

PERMITTED ACCESSORY USES

A. RESIDENTIAL AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS

The following accessory uses are permitted in each "R" and "PD-R" District:

1. Private garages and/or carports.

2. A structure for storage incidental to permitted use.
3. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such buildings are used for the occasional housing of guests of the occupants of the principal building, and not for rental units or for permanent occupancy.
4. A swimming pool, bath house, and other recreational facilities designed for the use of the occupants of residential dwellings and their guests. Swimming pools shall comply with the following conditions and requirements:
 - a. The pool shall comply with sideyard requirements of the Zoning District in which it is located.
 - b. The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition with a gate and lock. Such five (5) foot fence or wall may be an extension of the side walls of the swimming pool if controlled access is reasonably prohibitive.
5. A child's playhouse, tree house, or bird-house.
6. Statuary, arbors, trellises, barbecue equipment, flag poles, play equipment, nonmechanical laundry drying equipment, fences, walls and hedges. (Revised August 5, 2002)
 - a. A fence or wall, may be erected, placed, maintained, or grown along a lot line in an "R" District or adjacent there to a height up to but not exceeding six (6) feet above ground level, except that no fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of four (4) feet and shall be subject to the Traffic Visibility Across Corner Lots requirement of this Article. (Revised January 8, 2001)
 - b. Earth mounds shall not be erected, placed, maintained, or developed along a lot line in an "R" District without the approval of the Board of Zoning Appeals.
7. Fallout shelters.
8. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in this Resolution.
9. Recreational and camping equipment subject to the following conditions:
 - a. Parked or stored camping and/or recreational equipment as defined by this Resolution shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at

not time shall this equipment be used for living or housekeeping purposes.

- b. If the camping or recreational equipment is parked or stored outside a garage it shall be parked or stored to the rear of a line which is an extension of the front wall of the house but when in the rear yard within the front half of the rear yard of the property and not within the side yard requirements of the Zoning District in which the property is located.
 - c. Notwithstanding the provisions of paragraph b, camping and recreational equipment may be parked anywhere on the premises, for loading or unloading, FOR A PERIOD NOT MORE THAN 7 DAYS at any one time and a maximum of 45 days per year. Special permission shall be required for emergency situations from the Board of Zoning Appeals.
 - d. All recreational and camping equipment shall be kept in good repair and carry a current year license and registration. The ground area under and immediately surrounding where such camping or recreation equipment is stored shall be maintained free of weeds, overgrowth, and debris.
 - e. No recreational or camping equipment may be parked in the required minimum side or rear yard.
10. Open storage of the following items in locations as designated, and subject to the condition that all specific storage location shall be maintained free from weeds, overgrowth, and debris:
- a. Lawn and patio furniture when in usable condition and kept in good repair, if stored in a reasonable condensed and centralized area located in the rear yard.
 - (1) Carports and covered patios shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport and/or covered patio, when there are such wall or walls.
 - b. Lawn and garden equipment when in usable condition and kept in good repair, if stored in a reasonably condensed and centralized area located either against the buildings' rear wall or within the rear yard in an area well screened from surrounding properties.
 - (1) Carports shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport, when walls exist.
 - c. Customary "can-type" trash containers when in usable condition with securely fitted lids, if stored upright against

the building's rear or side wall, or stored within the rear yard in an area well screened from surrounding properties.

- (1) Carports shall be designated also as acceptable locations for open storage of the item or items described, of such carport, when there is such a wall or walls.
- d. Firewood and other solid heating fuels when stacked or piled in a reasonably compact and orderly fashion within the rear yard, and when intended for use in the present or upcoming heating season. Such storage shall be subject to all applicable fire regulations.
- e. Liquid and gas heating fuel containers when in use and kept in good repair, if stored to the rear or side of a building, or in the rear yard in an area well screened from surrounding properties. Such storage shall be subject to all applicable fire regulations.

11. Portable Storage Units subject to the following conditions:

- a. Permitted in the front yard for not more than thirty (30) days per calendar year.**
- b. The maximum size of the unit permitted is eight feet (8') high by wight feet (8') wide by sixteen feet (16') long.**

B. MULTI-FAMILY RESIDENTIAL AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

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

C. BUSINESS AND INDUSTRIAL DISTRICTS

- 1. In a "B" or "I-1" District, and use which is customarily found in conjunction with and required for the full utilization or economic viability of the principal use which meets the definition of accessory use in this Resolution, and which complies with the applicable standards of the district in which it is located is permitted.
- 2. Metal 'dumpsters' trash containers of the type and size customarily found in conjunction with permitted two-family, multi-family, and business uses, if well screened from surround residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting residential lots.

3. Portable Storage Units subject to the following conditions:

- a. Permitted in the rear yard, outside of any required buffer for not more than thirty (30) days per calendar year.
- b. The maximum size of the unit permitted is eight feet (8') high by eight feet (8') wide by sixteen feet (16') long.

SECTION 19 PROHIBITED ACCESSORY USES

The following are prohibited as an accessory use in an "R" or a "PD-R" District:

- A. Overnight parking or open storage of trucks over one (1) ton rated capacity or which has an enclosed storage area greater than eight (8) foot wide, ten (10) foot in length and five (5) foot in height measured from the bed of the truck, buses, mobile homes, semi-tractors, and/or trailers, except as provided in the General Regulations.
- B. Open storage of, but not limited to; junk, refuse, miscellaneous discarded items, inoperative items and equipment, inoperative or unlicensed motor vehicles, recreational equipment, auto parts, auto accessories, or inoperative appliances.

SECTION 20 RECREATIONAL FACILITIES FOR PRIVATE CLUBS, PLANNED DEVELOPMENT OR "R-5" DEVELOPMENTS

Required Conditions

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

SECTION 21 ZONING CERTIFICATE APPLICATION SPECIAL REQUIREMENTS

Plans for the following must accompany all applications for a zoning certificate for any use in an "O", "B", "PD", or "I" District. (Revised January 8, 2001)

A. LIGHTING REQUIREMENTS

- 1. Luminary information with type, designation and wattage of lighting assembly.
- 2. Lamp information with type, initial lumens and burning position.

3. Illumination levels with both initial and continuously maintained average foot candles.
4. Mounting height, spacing and location of all lighting assemblies on a plot plan.

B. LANDSCAPING

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

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

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

C. DRAINAGE AND GRADING REQUIREMENTS

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

- 1. Drainage plans shall include a topographic map and drawings of existing drainage patterns and facilities.
- 2. Drainage plans should follow the natural topography as much as possible.
- 3. Drainage plans shall indicate, and include in the storm drainage system where possible, the existing natural drainage paths and water-courses such as streams and creeks.
- 4. Drainage plans shall include existing outfalls with the proposed development and within adjacent lands for both minor and major

drainage systems. Plans must account for the external lands draining through the proposed development.

5. Drainage plans shall include method or methods for controlling, storing, and releasing storm water and be in compliance with the Montgomery County Drainage Regulations. (Revised January 8, 2001)
6. Grading plans shall include the elevations of future building or structure pads, and drainage patterns. (Revised January 8, 2001)

D. STREET LOCATION, VEHICLE AND PEDESTRIAN PATHS, AND PUBLIC PROPERTY.

1. Street plans shall include the location, dimensions and method of improvement for all driveways, parking areas, walkways, bikeways and means of access, ingress and egress, including curb cuts, within the development and on public and/or private roads which are affected by the development.
 - a. Permits shall be secured from the Public Works Department for all driveway and other approaches which exceed 100 feet in length, or which will ingress/egress within 100 feet of an intersection or a stop sign. (Revised January 8, 2001)
2. Public property plans shall include the location, dimensions and method of improvement for all property to be dedicated to the public and/or public utilities.
 - a. Appropriate deeds and transfers with exact descriptions shall be furnished.

SECTION 22

PERMITTED OUTDOOR SALES

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

- A. A business or non-profit organization shall at least three (3) business days prior to any outside sales activity obtain a certificate issued by the Zoning Inspector for a fee established by the Washington Township Board of Trustees.
- B. A business or non-profit organization that engages in a temporary outdoor sales activity shall be limited to the following time schedules:
 1. A promotional sales period not exceeding five (5) consecutive days with a frequency of no more than four (4) in any calendar year.
 2. Due to the seasonal nature and outdoor requirements of the following items, the sale of live plants, peat moss, bark, fertilizer, marble chips, top soil, sod and other packaged (not bulk) lawn and garden materials may be conducted only from the last full week in April through June 20th continuous.

3. The sale of seasonal holiday trees, greenery, and tree stands shall be permitted from Thanksgiving Day through December 31st.
 4. The set-up time for the above mentioned outdoor sales shall be included within the respective allotted sales time.
- C. All clean-up of the area including removal of merchandise fixtures, etc. must be completed within forty-eight (48) hours after the sales activity and by the date specified on the Zoning Certificate, otherwise no additional certificates will be issued for any outdoor sales activity to be conducted on such parcel of land for a period of twelve (12) months after the date of the violation notice.
 - D. Sales areas shall be maintained and allow for adequate pedestrian walkways, with such sales areas not extending into fire lanes. The placement of the sales shall not encroach upon any parking requirements of the district, with the sales activity itself being provided with an appropriate number of off-street parking spaces as specified by the Zoning Resolution.
 - E. Temporary identification signs not to exceed twenty (20) square feet per face, with a maximum of forty (40) square feet of total signage, non-illuminated, no changeable letter signs, and to be displayed only for the authorized duration of the sale. Such signs shall only be displayed on the premises being used for the outdoor sale, be setback a minimum of twenty (20) feet from the public right-of-way, no higher than eight (8) feet above ground level, and security affixed to the ground.

SECTION 23

OPEN SPACE TRANSFER TO PARK LOT

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

- A. Any residential lot established under the provisions of this section shall be known as an Open Space Transfer Lot.
- B. An Open Space Transfer Lot in an "A", "R-1", "R-2", "R-3", "R-4", "R-5" or "PD-R" District may have an area of not less than 80% of the district minimum and a frontage of not less than 90% of the district minimum. Minimum front rear and side yard may be reduced to not less than 90% of the district minimum.
- C. The Park Lot shall be located where it will serve the recreation needs of the residents of Open Space Transfer Lots, and shall be an improved lot with streets (recommended 400 feet of continuous road frontage be provided) and sidewalks installed, with a minimum area of 5 acres unless it becomes a part of a public open space totaling 5 acres or more.
- D. The area of the Park Lot in a "A", "R-1", "R-2", "R-3", "R-4", "R-5", or "PD-R" District shall be not less than the aggregate area by which all Open Space Transfer Lots are less than required by the lot Area Standard of the district within which the Open Space Transfer Lots are located.

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

SECTION 24

PARK LOT

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

SECTION 25

SEXUALLY ORIENTED BUSINESS STANDARDS (Revised February 12, 2001)

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

SECTION 26

IDENTIFICATION OF CONSTRUCTION SITES

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

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

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

SECTION 27

TENNIS COURTS

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

- 1) If the tennis court is located in the rear yard.
- 2) If the tennis court is located on a minimum of 2 acres.
- 3) The tennis court maintains a minimum forty (40) foot side yard and eighty (80) foot rear yard.
- 4) Any lighting used to illuminate the tennis court shall be equipped with a suitable shield or be so designed as to prevent glare at eye level on surrounding public or private property.

SECTION 28

RESIDENTIAL ENTRANCE GATE REQUIREMENTS

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