

## Article 13: General Requirements

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**Section 1 Purpose**

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

**Section 2 Non-Conforming Uses**

A. Continuance of Non-Conforming Use.

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

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

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

**Section 3 Off-Street Parking Standards**

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

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

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

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

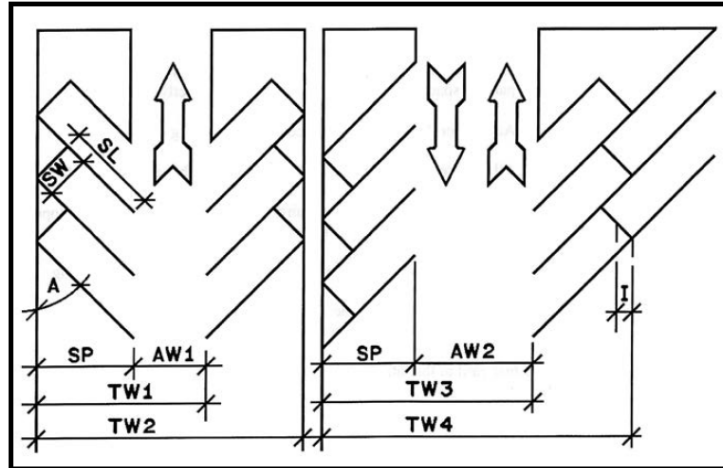
C. Uses. Parking areas shall be used for parking spaces, loading spaces, driveways, access aisles, landscaping and for no other purposes.

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

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

a combination entrance and exit. Access drives shall be located away from street intersections, preferably in the middle of a block.

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



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

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

- G. **Maintenance.** The surfacing, landscaping and screening of any parking area shall be maintained in good condition and such maintenance shall include repair of surfacing, trimming and necessary replacement of landscaping and screening, and removal of debris and foreign objects.
1. **Surfacing.** All open off-street parking areas shall be graded, and provided with a hard surface of bituminous or portland cement concrete, except single family residential tracts exceeding forty thousand (40,000) square feet in land area.

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

**Section 4 Mixed Occupancies and Uses Not Specified**

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

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

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

**Section 5 Off-Street Parking Requirements**

Off-street parking requirements shall be as follows:

Group No. 1: Dwelling and Lodging Uses:	
One and two family dwellings	Two spaces for each dwelling
Three or more dwelling units	Two spaces for each dwelling
College or university owned or leased housing, fraternities and sororities	One space for each three occupants calculated on the design capacity of the building
Hotels and motels	One space for each rental unit, plus one space for each employee on the maximum work shift plus such spaces as required by the Resolution for restaurants, assembly rooms and affiliated facilities

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

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

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

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

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

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

**Section 6 Off-Street Loading Spaces Required**

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

**Section 7 Off-Street Loading Requirements**

Off-street loading requirements shall be as follows:

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

**Section 8 Off-Street Loading Standards**

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

**Section 9 Extraction of Materials**

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

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

- A. Name of the owner or owners of land from which extraction is to be made.
- B. Name of applicant making request for such a permit.
- C. Name of the person or corporation conducting the actual mining operations.
- D. Location, description and size of the area from which the removal is to be made.
- E. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining



processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.

- F. Type of resources or materials to be removed.
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- H. General description of the equipment to be used.
- I. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding areas within five hundred (500) feet of the property boundary line, drawn to intervals of five (5) feet or less.

**Section 10      Development Standards for Extraction of Minerals**

- A. No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board, where such is 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 multi-flora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Board.
- F. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.
- G. The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

**Section 11      Rehabilitation Requirements for Extraction of Materials**

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

- A. All excavation shall be made either to water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, noncombustible and nonflammable solids, to secure:
  - 1. That the excavated area shall not collect and permit to remain therein, stagnant water; or,

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

**Section 12 Noise Standards**

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

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

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

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

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

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

b. Sound Level at Lot Lines

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

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

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

**Section 13 Exceptions, Modifications, and Interpretations**

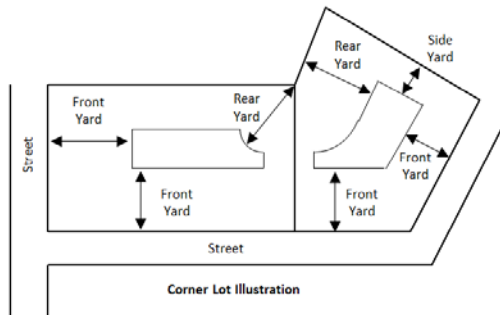
**A. Height Limits**

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

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

**B. Corner Lots**

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



**C. Decreased Front Yard for Agricultural or Residential Uses**

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

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

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

**D. Increased Side Yard for Agricultural or Residential Uses**

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

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

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

**F. Projections into Required Yards**

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

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

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

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

H. Traffic Visibility across Corner Lots

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

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

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

J. Lighting

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

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

A. Permitted Accessory Uses and Regulations for Agricultural Land Uses

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

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

B. Permitted Accessory Uses for Residential Uses

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

1. A home occupation shall not include any activity that is detrimental or injurious to adjoining property. A home occupation shall meet all of the following conditions:
  - a. Shall be conducted entirely within a completely enclosed structure;
  - b. External evidence of the occupation shall not be detectable at any lot line;
  - c. The interior/exterior of the dwelling shall not be structurally altered to comply with nonresidential construction codes, nor shall additional structures be built on the property to accommodate the home occupation;
  - d. Shall have no outside storage either on a temporary or overnight basis, or within an enclosed accessory structure;
  - e. Not more than one (1) vehicle of not greater than three-quarter (3/4) ton rated capacity, which indicates, by signage or other means, that it is used in a business, shall be parked on residentially zoned property or in a public street or alley adjacent to residentially zoned property. No vehicle used in connection with a home occupation which requires a commercial driver's license to operate shall be parked on the lot or any street adjacent to the lot;
  - f. Shall have no exterior advertisement, sign or display, on or off the premises;
  - g. Shall have no modification or activity which would indicate from the exterior of the structure that the premises are being used for anything other than a dwelling unit;
  - h. Shall not employ more than one (1) person other than members of the immediate family (whether such family member is an occupant of the house or not) or occupants residing lawfully on the premises;
  - i. Shall not change the residential character of the lot and dwelling, nor alter the exterior appearance of the principal building from that of a dwelling for human habitation, nor require the installation of machinery or equipment other than that customary to domestic, hobby, craft, artisan, standard office or ordinary household activities;
  - j. Shall have no exhibits or displays of goods, wares, or merchandise unless the property is zoned for such use;
  - k. Shall not create a nuisance by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation;
  - l. Shall not create a fire hazard; health hazard; air, land or water pollution hazard; explosion hazard or accumulation of pests, rodents, flies or vermin;
  - m. Shall be conducted as an accessory use that is clearly incidental and secondary to the residential use of the premises, shall not use an area exceeding twenty five

- percent (25%) of the gross floor area of the dwelling, nor cause a substantial increase in any utility usage;
- n. Nothing herein shall be construed to allow animal breeding or hospitals, pet grooming, commercial kennels, commercial stables, veterinary offices, clinics, hospitals, barber shops, beauty parlors, contractor's yards, dancing schools, junk yards, lodging houses, lodges, massage parlors/therapy clinics, restaurants, rental outlets, or vehicle repair shops as home occupations;
  - o. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard. In no event shall any home occupation:
    - i. cause or result in any vehicular traffic in excess of five (5) vehicles per twenty-four (24) hour day other than that resulting from persons residing upon the premises;
    - ii. cause or result in the entrance upon the property of more than three (3) persons at one time, other than persons residing on the premises;
    - iii. cause or result in any persons waiting or congregating outside the residential building for a time longer than is reasonably necessary to leave that building;
    - iv. cause or result in more than one (1) delivery per week from a commercial supplier in a vehicle larger than a step van and in no event shall any such delivery restrict the flow of traffic.
  - p. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
- 2. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - 3. Temporary Storage Units for a period not to exceed thirty (30) days per calendar year. Temporary Storage Units shall be placed outside of any public right of way and shall be placed on a paved surface.
  - 4. Accessory Building (Private garage, carport, storage shed). When detached cannot exceed seven hundred and twenty (720) square feet.
    - a. Shall be located in the rear or side yard provided it conforms to the side yard requirements of the lot and is placed five (5) feet or more from the rear lot line. However, if placed in the rear half of the rear yard, then it shall be located a minimum of five (5) feet from any lot line, provided each and every part of the building is closer to the rear lot line than to any part of the main building.
  - 5. A swimming pool, bath house, and other recreational facilities designed for the use of the occupants of residential dwellings and their guests. Swimming pools shall comply with the following conditions and requirements:
    - a. Shall be located in the rear or side yard provided it conforms to the side yard requirements of the lot and is placed five (5) feet or more from the rear lot line. However, if placed in the rear half of the rear yard, then it shall be located a minimum of five (5) feet from any lot line, provided each and every part of the building is closer to the rear lot line than to any part of the main building.
    - b. The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in

good condition with a gate and lock. Such four (4) foot fence or wall may be an extension of the side walls of the swimming pool if controlled access is reasonably prohibitive.

6. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such buildings are used for the occasional housing of guests of the occupants of the principal building, and not for rental units or for permanent occupancy.
7. A child's playhouse, tree house with the enclosed area not to exceed one hundred (100) square feet.
8. Statuary, arbors, trellises, barbecue equipment, flag poles, play equipment, non-mechanical laundry drying equipment, fences, walls and hedges or bird-house.
  - a. A fence or wall, may be erected, placed, maintained, or grown along a lot line. The maximum height of fences and walls located in any front yard shall be four (4) feet and shall be subject to the Traffic Visibility Access Corner Lots requirement of this Resolution. The maximum height of fences and walls in side and rear yards shall be six (6) feet. A tennis court may have a maximum ten (10) foot high fence. Any tennis court fence over six (6) foot high shall be of material that is green, brown or black vinyl clad chain link.
  - b. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross-elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences or ornamental iron fences.
9. Fallout Shelters
10. One (1) piece of recreational equipment or one (1) recreational vehicle may be stored or parked outdoors subject to the following provisions:
  - a. At no time shall any recreational equipment or recreational vehicle be used for living or housekeeping purposes.
  - b. No recreational equipment or recreational vehicle shall be parked or stored:
    - i. In a front yard;
    - ii. Within the required minimum side or rear yard setback.
  - c. Recreational equipment or a recreational vehicle shall be parked or stored on an improved surface such as concrete, asphalt, laid pavers or other impervious material. Such impervious surface shall encompass the entire footprint of the equipment or vehicle being parked or stored.
  - d. Areas used for the parking or storage of recreational equipment in excess of eight (8) feet in height or a recreational vehicle in excess of eight (8) feet in height shall be parked or stored in an area shall be screened from adjacent property by a one hundred per cent (100%) opaque solid evergreen hedge which retains its needles or leaves the entire year. The height of any such hedge shall be equal to at least the highest point of the recreational equipment or recreational vehicle or any item on top of either up to a maximum height of eight (8) feet.

Areas used for the parking or storage of a recreational vehicle less than eight (8) feet in height or recreational equipment less than eight (8) feet in height shall be screened from view by either a one hundred per cent (100%) opaque solid evergreen hedge of a variety which retains its needles or leaves the entire year or by a solid fence constructed of cedar, redwood, southern pine; synthetic or pressure treated material that has the functional equivalence of natural wood; or a



wall of brick, stone or other similar permanent material. However, concrete block or plywood is not permitted. Any such fence or wall shall be a minimum of six (6) feet in height. Any hedge shall be equal to either the height of the highest point of the recreational vehicle or recreational equipment or any item on top of either but in no case shall said hedge be required to be in excess of eight (8) feet.

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

- e. Notwithstanding the provisions of paragraph b above, recreational equipment or a recreational vehicle may be parked on an improved surface, for loading or unloading, for a period of not more than seven (7) days at any one time but no more than a total of forty-five (45) days per calendar year.
  - f. All recreational equipment or a recreational vehicle shall be kept in good repair and carry a current year license and registration. No person shall permanently remove the wheels or similar transporting devices. Notwithstanding the provisions of paragraph b above, recreational equipment or a recreational vehicle may be parked on an improved surface for routine maintenance for a period of not more than seven (7) days at any one time but no more than a total of forty-five (45) days per calendar year. No such recreational equipment or recreational vehicle shall otherwise be fixed to the ground.
  - g. The ground area under and immediately surrounding where the recreational equipment or recreational vehicle is parked or stored shall be kept neat and clean at all times. Spider webs, debris, excessive dirt, weeds, and untrimmed or dead vegetation on, adjacent to or under the recreational equipment or recreational vehicle are prohibited.
  - h. The recreational equipment or recreational vehicle shall be maintained in good condition and shall not be damaged, have any broken windows, broken, damaged or missing pieces, parts or flat tires.
  - i. The maximum height of recreational equipment and/or recreational vehicle shall not exceed twelve (12) feet.
  - j. The maximum length of recreational and camping equipment and/or recreational vehicle shall not exceed thirty-five (35) feet.
11. Open storage of the following items in locations as designated, and subject to the condition that all specific storage location shall be maintained free from weeds, overgrowth, and debris:
- a. Lawn and patio furniture when in usable condition and kept in good repair, if stored in a reasonable condensed and centralized area located in the rear yard. Carports and covered patios shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport and/or covered patio, when there are such walls.
  - b. Lawn and garden equipment when in usable condition and kept in good repair, if stored in a reasonably condensed and centralized area located either against the buildings' rear wall or within the rear yard in an area well screened from surrounding properties. Carports shall be designated also as acceptable locations for open storage of the item or items described, if such storage is located adjacent to the wall or walls of such carport, when walls exist.
  - c. Customary "can-type" trash containers when in usable condition with securely fitted lids, if stored upright against the building's rear or side wall, or stored within

- the rear yard in an area well screened from surrounding properties. Carports shall be designated also as acceptable locations for open storage of the item or items described, of such carport, when there is such a wall or walls.
- d. Firewood and other solid heating fuels when stacked or piled in a reasonably compact and orderly fashion within the rear yard, and when intended for use in the present or upcoming heating season. Such storage shall be subject to all applicable fire regulations.
  - e. Liquid and gas heating fuel containers when in use and kept in good repair, if stored to the rear or side of a building, or in the rear yard in an area well screened from surrounding properties. Such storage shall be subject to all applicable fire regulations.
12. Recreational Courts and/or recreational court lighting shall require approval as a conditional use by the Board of Zoning Appeals when all of the following conditions are met:
- a. The recreational court is located in the rear yard.
  - b. The recreational court is located on a lot of two (2) acres or larger.
  - c. The recreational court maintains a minimum forty (40) foot side yard and eighty (80) foot rear yard.
  - d. Any lighting used to illuminate the recreational court shall be equipped with a suitable shield or be so designed as to prevent glare at eye level on surrounding public or private property.
13. On a corner lot, no fence, structure or planting which is an obstruction to vision and which is in excess of three (3) feet in height shall be erected or maintained within thirty (30) feet of the point of intersection of the two (2) lot lines adjoining the two (2) streets.
14. One (1) utility trailer which does not exceed eight (8) feet in width, eight (8) feet in height and an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling subject to the following provisions:
- a. A maximum of one (1) utility trailer may be parked or stored on any lot. Such parking or storage shall be prohibited in any front yard. No utility trailer may be parked within the required minimum side or rear yard setback. A utility trailer shall be parked or stored on an improved surface such as concrete, asphalt, laid pavers or other impervious material.
  - b. Areas used for the parking or storage of a utility trailer shall be screened from adjacent property by a one hundred per cent (100%) opaque solid evergreen hedge of a variety which retains its needles or leaves the entire year or a solid fence constructed of cedar, redwood, southern pine or synthetic or pressure treated materials that have the functional equivalence of natural wood; a wall of brick, stone or other similar permanent material. However, concrete block or plywood is not permitted. Any such hedge, fence or wall shall be a minimum of six (6) feet in height.  
  
Any such screen shall be no less than five (5) feet longer than the utility trailer, including the bumper, tongue or coupling being screened.
  - c. The utility trailer may be temporarily for a period of time not to exceed forty-eight (48) consecutive hours within any seven (7) day period but no more than a total of forty-five (45) days per calendar year. Such temporary parking of a utility trailer is not subject to the screening requirements of this article.

- d. The ground area under and immediately surrounding where the utility trailer is parked or stored shall be kept neat and clean at all times. Spider webs, debris, excessive dirt, weeds untrimmed or dead vegetation on, adjacent to or under the utility trailer are prohibited.
  - e. All covers, tarps or any other material employed to protect a utility trailer from the elements shall be secured to the utility trailer, weatherproof, and a solid color and in one piece without holes or tears. Rocks/bricks or other weighted items may not be used to secure the cover or tarp.
  - f. The utility trailer shall be in operable condition. No person shall remove the wheels or similar transporting devices, nor shall such utility trailer be otherwise fixed to the ground in any manner.
  - g. The utility trailer without a valid, current license plate may not be parked or stored outdoors.
  - h. The utility trailer shall not be connected to electricity, water, gas or sanitary sewer facilities other than for temporary maintenance purposes; and at no time shall the utility trailer be used for living, sleeping, or housekeeping purposes.
  - i. No person may conduct any type of business from any utility trailer.
15. Overnight parking or open storage of trucks which are a maximum of one and one-half (1 ½) ton rated capacity or which has an enclosed storage area no greater than eight (8) foot wide, ten (10) foot in length and five (5) foot in height measured from the bed of the truck; buses, semi-tractors/trailers, and/or mobile homes of the same dimensions as defined above.
16. Water Discharge on Property. No resident may directly or indirectly discharge the water from a swimming pool, sump pump, downspout or other similar source within ten (10) feet of the property line separating adjacent properties or street right of way. When applicable, water drainage may discharge directly into the storm sewer system subject to approval by the Washington Township Public Works Department. In the case of chlorinated pool water, or similar treated water sources, EPA guidelines for decontamination shall be adhered.
17. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in this Resolution.
18. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
19. The maximum building height of an accessory building or structure for a single-family, two-family or three-family residential use shall be 15 feet.
20. The maximum building height of an accessory building or structure for a multi-family or non-residential use shall not exceed 18 feet in height or the height of the principal building whichever is less
21. Metal 'dumpster' trash containers of the type and size customarily found in conjunction with permitted two-family, multi-family, and business uses, if well screened from surrounding single-family residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting single-family residential lots.
- C. Permitted Accessory Uses for Non-Residential Land Uses
- 1. Office Residential District Accessory Uses

- a. Accessory uses, buildings or other structures customarily incidental to the permitted uses in Article 9, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk, giving access to such activity.
  - b. Home occupation as permitted in Article 13, Section 14 of this Resolution.
  - c. The temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
2. Permitted Accessory Uses for Non-Residential Land Uses
- a. Accessory uses which are customarily found in conjunction with and required for the full utilization or economic viability of the principal use which meets the definition of accessory use in this Resolution, and which complies with the applicable standards of the district in which it is located is permitted.
  - b. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work. [Revised June 21, 1999]
  - c. A fence or wall, may be erected, placed, maintained, or grown along a lot line. The maximum height of fences and walls located in any front yard shall be four (4) feet and shall be subject to the Traffic Visibility Access Corner Lots requirement of this Resolution. The maximum height of fences and walls in side and rear yards shall be six (6) feet. A tennis court may have a maximum ten (10) foot high fence. Any tennis court fence over six (6) foot high shall be of material that is green, brown or black vinyl clad chain link. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross-elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences or ornamental iron fences.
  - d. Signs as regulated in Article 16 of this Resolution.
  - e. Metal 'dumpsters' trash containers of the type and size customarily found in conjunction with non-residential uses, if well screened from surrounding residential properties and when located a minimum of fifty (50) feet from the adjoining property line of all abutting residential lots.
  - f. Water Discharge on Property. No business may directly or indirectly discharge the water from a swimming pool, sump pump. Downspout or other similar source within ten (10) feet of the property line separating adjacent properties or street right of way. When applicable, water drainage may discharge directly into the storm sewer system subject to approval by the Washington Township Public Works Department. In the case of pool water, or similar treated water sources, EPA guidelines for decontamination should be adhered.

**Section 15 Prohibited Accessory Uses**

The following are prohibited as an accessory use:

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

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

Required Conditions

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

**Section 17 Zoning Certificate Application Special Requirements**

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

A. Lighting Requirements

1. Purpose

The intent of the lighting standards is to provide a level of illumination necessary for adequate, safe, and efficient movement of vehicles and persons without affecting neighboring properties. Prior to the approval of a Zoning Certificate, a plan demonstrating compliance with the following exterior lighting standards will be submitted and approved for non-residential uses.

2. General Requirements

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

3. Criteria

- a. All exterior lighting shall meet the following minimum standards and be demonstrated on all plan submittals:

- i. 0.5 Foot-candles Minimum Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below this stated minimum.
- ii. Lighting Uniformity Shall Not Exceed:
  - 10:1 Maximum to minimum light levels
  - 4:1 Average to minimum light levels.
- iii. The color temperature of exterior illumination shall appear as natural or neutral ranging from a minimum of 2,200K (high pressure sodium) to a maximum of 5,400K (metal halide) as measured in Degrees Kelvin.
- iv. Maximum height from the ground, excluding mounting of any lighting pole, including base, or wall mounted light shall be 28 feet.
- v. Light Trespass Criteria
  - 1. Light originating on a site shall not be permitted beyond the site. A 0.0 foot-candle minimum measured at grade shall be required at the property lines.
  - 2. Outdoor Sports Facilities will be reviewed for compliance with regard to the intent of these exterior lighting standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
  - 3. Service station and service station/mini-mart canopy lighting and outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment must not exceed an average lighting level of 25 foot-candles as measured horizontally at grade.
- vi. Glare Control Criteria
  - 1. All lighting shall be designed to prevent glare at eye level onto surrounding property or public right-of-way.
  - 2. All other exterior lighting, including but not limited to doorways, architectural, accent, landscape, signage, decorative, security, floodlighting, or area lighting shall be “total cutoff type” or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from off site, except the following:
    - a. Lighting required by the Building Code for emergency egress when operating in emergency conditions; or
    - b. Light sources which do not exceed 2300 initial lumens or 4000 main beam candlepower.

B. Landscaping

- 1. Landscaping plans shall include information regarding the grass and/or ground cover, trees, hedges, and shrubs and information, regarding non-living material such as rock or wood, lighting fixtures, fences, walls, screening, benches, and other outdoor furniture. Plans shall also include any ponds or water management areas which are incorporated in the landscaping.

- a. For all mounds of dirt, the plans shall indicate their height and area, their exact location from the right-of-way and property lines and the direction of storm water flow.
2. Landscaping shall be installed within thirty (30) days of the completion of the building, structure, or use applied for, or as soon as weather conditions permit if such period falls within the winter months.
3. All landscaping areas shall receive regular maintenance, including trimming, mowing, and replacement of diseased plant materials when required.
4. Landscape Buffer Strip
  - a. General. Whenever a "B", "O", or "I" (including "PD-B", "PD-O" or "PD-I") District adjoins an "A", "R" or "PD-R" District or where it adjoins a public street, a buffer strip shall be established along the entire length of the district boundary and/or along the public street. The landscaping plan must have the approval of the Director of Zoning and Development.
  - b. Landscaping Required. Said buffer shall be a yard landscaped with grass, evergreen ground cover or hardy shrubs, and also a row of deciduous shade trees each 2 inches or more in diameter spaced not more than 25 feet apart, located not more than 20 feet from public right-of-way. In lieu of the shade trees required, the property owners along State Route 725 may implement their portion of the Trustee approved landscape plan. In any buffer strip adjoining a lot in an "A", "R" or "PD-R" District and in addition to above required landscaping a compact hedge of evergreens, not less than 5 or more than 6 feet tall with a minimum base of 3 foot in diameter, shall be planted immediately inside and along the entire length of the common boundary line but not closer than 20 feet to a street right-of-way. The landscaping of said buffer shall be maintained in good condition, and such maintenance shall include trimming and necessary replacement of landscaping and removal of debris and foreign objects. (See definition of compact hedge of evergreens). Deciduous trees must be wrapped and all types of trees must be staked for one year. When seeding slopes netting will be used and when sodding slopes sod staples will be used to hold in place.
  - c. Use of Buffer. No building or structure shall be erected within the buffer, except for driveways of not less than 18 feet nor more than 36 feet wide leading to a public street.
  - d. Requirement for Occupancy Permit. Before an occupancy permit is issued for any building in a "B", "O", or "I" District, that portion of the buffer strip lying directly between said building and the district boundary line shall be landscaped as provided herein.
  - e. Dimension of buffer. The buffer strips shall have a minimum width of 20 feet measured from the street right-of-way line as shown on the thoroughfare plan or the district boundary if said boundary adjoins an A, R, or PD-R district on the same side of the street and in the same block or a minimum width as required by Article 13 Section 3 B. Off-street parking space and loading space shall be permitted anywhere except in a landscaped buffer strip. However, if a more restrictive requirement is provided for in this Resolution it shall control.
5. Landscaping. Every parking area shall be partially shaded by deciduous shade trees each 2 inches or more in diameter at the edge of and/or within said area. One such tree shall be located within said parking area for each 10 parking spaces and within 50 feet of every parking space. If a shade tree is required to be located within the parking area, the minimum planting area shall be at least 5 foot by 5 foot square with a 6 inch curbing

for each required tree. When parking area is located on a lot in an "A" or "R" District, the required front, side and rear yards adjoining said parking area shall be landscaped with grass, evergreen ground cover or hardy shrubs.

C. Drainage and Grading Requirements

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

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

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

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

**Section 18 Permitted Outdoor Sales**

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

- A. A business or non-profit organization shall obtain a Zoning Certificate for the outdoor sales at least three (3) business days prior to the event.
- B. A business or non-profit organization that engages in a temporary outdoor sales activity shall be limited to the following time schedules:
  1. A promotional sales period not exceeding five (5) consecutive days with a frequency of no more than four (4) in any calendar year.
  2. Due to the seasonal nature and outdoor requirements of the following items, the sale of live plants, peat moss, bark, fertilizer, marble chips, top soil, sod and other packaged



(not bulk) lawn and garden materials may be conducted for a period of one-hundred and fifty-five (155) consecutive days in a calendar year.

3. The sale of seasonal holiday trees, greenery, and tree stands shall be permitted from November 1 through December 31st.
  4. The set-up time for the above mentioned outdoor sales shall be included within the respective allotted sales time.
- C. All clean-up of the area including removal of merchandise fixtures, etc. must be completed within forty-eight (48) hours after the cessation of sales activity and by the date specified on the Zoning Certificate, otherwise no additional certificates will be issued for any outdoor sales activity to be conducted on such parcel of land for a period of twelve (12) months after the date of the violation notice.
- D. Sales areas shall be maintained and allow for adequate pedestrian walkways, with such sales areas not extending into fire lanes. The placement of the sales shall not encroach upon any parking requirements of the district, with the sales activity itself being provided with an appropriate number of off-street parking spaces as specified by the Zoning Resolution.

## **Section 19      Open Space Transfer Lot**

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

- A. Any residential lot established under the provisions of this section shall be known as an Open Space Transfer Lot.
- B. An Open Space Transfer Lot in an "A", "R-1", "R-2", "R-3", "R-4", "R-5" or "PD-R" District may have an area of not less than 80% of the district minimum and a frontage of not less than 90% of the district minimum. Minimum front rear and side yard may be reduced to not less than 90% of the district minimum.
- C. The Park Lot shall be located where it will serve the recreation needs of the residents of Open Space Transfer Lots, and shall be an improved lot with streets (recommended 400 feet of continuous road frontage be provided) and sidewalks installed, with a minimum area of 5 acres unless it becomes a part of a public open space totaling 5 acres or more.
- D. The area of the Park Lot in a "A", "R-1", "R-2", "R-3", "R-4", "R-5", or "PD-R" District shall be not less than the aggregate area by which all Open Space Transfer Lots are less than required by the lot Area Standard of the district within which the Open Space Transfer Lots are located.
  1. Any plat in which area, front, side or rear yard or frontage are reduced under this section shall increase the area of the Park Lot according to the provisions of Paragraph D, above, or not less than 5% of the gross plat area, whichever is the greater.
- E. Open space resulting from lot area reduction in a "PD-R" District may be maintained privately, or, if approved by the Board of Trustees, may be transferred to a Public Park Lot available to the general public and acceptable to the tax-supported Public Body responsible for its care and maintenance, or as provided by Paragraph F, below.
- F. In consideration of the acceptance for permanent care and maintenance of said improved Park Lot by a tax-supported Public Body selected by the Board of Township Trustees and responsible for public parks or recreation areas, title or guarantee of title for said Park Lot shall transfer from the developer, without compensation, to said Public Body; and no Zoning Certificate shall be issued for any Open Space Transfer Lot or planned development participating in open space transfer until certification of said acceptance and title transfer is

on file with the Zoning Director. Where, because of size, location, terrain or other reason a Park Lot located within the proposed plat is not appropriate, or is not acceptable to said Public Body, funds shall be transferred by the developer to said Public Body for the purpose of acquiring an alternate improved Park Lot or public open space of equal or greater acreage outside said plat, as a means of maintaining the open space and/or density requirements of this Resolution. The funds shall be equal to the current appraised undeveloped land value of a Park Lot of equal acreage if it were located within the plat. Said value shall be established by the Board of Township Trustees which value shall be acceptable to the developer or if not acceptable to the developer shall be established by not less than two appraisers, provided the method of appraisal is approved by the Developer and the Board of Township Trustees. The Public Body shall use said funds, and additional funds if necessary, to acquire open space acreage, said acreage to be equal to or greater than the area of said Park Lot, and to be located in the unincorporated part of Washington Township in a Neighborhood Park not more than 3/4 miles from the plat, or if such a Neighborhood Park is already secured or established, then in a Community Park not more than three (3) miles from the plat, or if such a Community Park is already secured or established, then in other public open space not more than five (5) miles from the plat, unless the Board of Township Trustees approves a greater distance.

- G. The Public Body referred to in this section shall be the Washington Township Park District except as determined otherwise in a specific case by the Board of Township Trustees. Any funds received from the developer of a plat for the purposes described in Paragraph F above and transferred to the Washington Township Park District shall be placed in a Park District fund known as the Washington Township Park Fund and in an account identified by the name of the plat, and shall be used for no purpose other than the acquisition of open space to meet the requirements of this section and to preserve the density balance of the unincorporated part of Washington Township. The Washington Township Park District shall report the status of this fund annually to the Board of Township Trustees.

**Section 20      Park Lot**

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

**Section 21      Sexually Oriented Business Standards**

- A. No sexually oriented business shall be established within 200 feet of the boundaries of any area zoned for residential use.
- B. No sexually oriented business shall be established within 200 feet of the boundaries of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- C. No sexually oriented business shall be established within 200 feet of the boundaries of any park or recreational facility attended by a persons under eighteen (18) years of age.
- D. No sexually oriented business shall be established within 200 feet of the boundaries of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- E. All building openings, entry ways, and windows of any building or structure in which a sexually oriented business is located shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public area, sidewalk or street. For new

construction, the building or structure shall be oriented so as to minimize any possibility of viewing the interior from public areas.

- F. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public areas.

**Section 22 Identification of Construction Sites**

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

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

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

**Section 23 Tennis Courts**

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

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

**Section 24 Residential Entrance Gate Requirements**

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

**Section 25 Internet Sweepstakes Cafes**

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

**Section 26 Small Wind Energy System**

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

For purposes of Article 13(A), the "total extended height" shall mean the height above grade to a blade tip at its highest point of travel or the height above grade to the highest point of any component of the small wind energy system whichever is higher.
  - 2. No component of a small wind energy system shall be constructed, altered or maintained so as to project above any of the imaginary airspace surface described in FAR Part 77 of the FAA guidance on airspace protection.
- B. Location
  - 1. No component of the small wind energy system attached to a structure shall extend beyond any vertical wall of the structure to which it is attached.
  - 2. The base of a small wind energy system shall be setback a distance of at least 1.25 times the total extended height of the small wind energy system from:
    - a. Any public road right-of-way
    - b. Any overhead utility line
    - c. All property lines unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with abutting property.
    - d. Any travel ways including, but not limited to, driveways, parking lots, nature trails, bike ways or sidewalks.
    - e. Any structure other than a structure to which it is attached.
  - 3. The setback shall be measured to the center of the tower's base.
  - 4. Guy wires used to support the small wind energy system are exempt from setback requirements.
  - 5. A small wind energy system may not be located in a front or side yard.
  - 6. A small wind energy system may be attached to a structure provided that no part of the system exceeds the height limitations set forth in this section.
- C. Sound
  - 1. A small wind energy system shall not exceed the limitations set forth in Article 13, Section 15 of this Resolution for the specific district in which the small wind energy system is located except during short term events such as severe wind storms and utility outages.

D. Construction

1. A small wind energy system must be approved under any small wind certification program recognized by the American Wind Energy Association.
2. Before any portion of a small wind energy system is constructed or installed, a zoning certificate shall be obtained. An application for such a permit shall be accompanied by the following:
  - a. Standard drawings stamped by an engineer registered in the State of Ohio of the wind energy system and engineering drawings of any tower base, footings, and/or foundation.
  - b. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
3. A small wind energy system shall conform to all applicable building and electrical codes and all permits and inspections required by any such codes shall be obtained.
4. Any climbing foot peg or rungs below 12 feet from ground level shall be removed from the small wind energy system to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot be readily climbed.
5. A small wind energy system shall be sited in a manner that does not result in a shadowing or flicker impact on neighboring or adjacent uses. For purposes of this provision, "flicker" refers to the moving shadow created by the sun shining on the rotating blades of the small wind energy system.

E. Appearance

1. All signs, other than the manufacture's or installer's identification, appropriate warning signs or owner identification shall be prohibited. No banners, flags or streamers may be attached to any portion of the small wind energy system.
2. No portion of the small wind energy system may be illuminated unless such illumination is required by the Federal Aviation Administration (FAA).
3. All portions of the small wind energy system shall be of the same color and of non-reflective finish.
4. No device or equipment not part of the small wind energy system may be located on any portion of the small wind energy system.
5. All components of the small wind energy system shall be securely fastened or attached to another portion of the small wind energy system.

F. Abandonment

1. Any small wind energy system which is inoperable for more than six (6) months shall either be restored or removed by the owner on whose land the small wind energy system is located.

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