Katie Helmstetter Tax Map office

AN ORDINANCE OF WASHINGTON TOWNSHIP, AUGLAIZE COUNTY, OHIO

WASHINGTON TOWNSHIP ZONING
FEE SCHEDULE
REVISED 12/30/2003

ZONING CERTIFICATES	
INDUSTRIAL	160.00
COMMERCIAL	160.00
RESIDENTIAL	50.00
ACCESSORY USE OR STRUCTURE	40.00
SIGNS	40.00
VARIANCE REQUEST	165.00
CONDITIONAL USE REQUEST	165.00
AMENDMENT TO ZONING RESOLUTION OR MAP	500.00
COPY OF ZONING RESOLUTION	$10.00

*ZONING CERTIFICATES INCLUDE A COPY OF ZONING RESOLUTION

PREAMBLE

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

THEREFORE BE IT ORDAINED BY THE TRUSTEES OF WASHINGTON TOWNSHIP, AUGLAIZE COUNTY, STATE OF OHIO, PURSUANT TO LAW:

WASHINGTON TOWNSHIP
Zoning Code

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1121.00 GENERAL PROVISIONS

1121.01 Title

This Ordinance shall be known and may be cited to as the "Zoning Code of Washington Township", except as referred to herein, where it shall be known as "this Zoning Code".

1121.02 Intent

The intent of this Zoning Code is to promote and protect the public health, safety, and general welfare of Washington Township, in accordance with the Comprehensive Land Use Plan and planning process that is reflected in the contents of this Zoning Code and in the zoning map of Washington Township by:

A. Dividing Washington Township into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.

B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.

C. Facilitating the orderly, efficient, and appropriate growth and development within Washington Township.

D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.

E. Regulating certain nonconforming uses of land, buildings, and structures.

F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety, and general welfare.

G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the Comprehensive Land Use Plan for Washington Township as manifested in this Zoning Code and its companion zoning map, Auglaize County Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by the Trustees from time to time.

1121.03 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 1121.05 Repeal of Conflicting Ordinances, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this Zoning Code shall prevail and control.

1121.04 Separability

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

1121.05 Repeal of Conflicting Ordinances

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

1121.06 Effective Date

This Zoning Code shall become effective from and after the date of its approval and adoption by the Board of Township Trustees and as further provided in the Ohio Revised Code Section 519.12.

1123.00 DEFINITIONS

1123.01 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense.

C. The singular number includes the plural, and the plural number includes the singular.

D. The word "SHALL" is mandatory, and the word "MAY" is permissive.

E. The word "BUILDING" includes the word "STRUCTURE."

F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

G. The word "lot" includes the words "plot" or "parcel."

H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

1123.02 Definitions

ACCESSORY STRUCTURE
An object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal object or structure, and which is subordinate to or serves the principal object or structure, is subordinate in the area to the principal object or structure, and is customarily incidental to the principal object or structure. Among other things, "accessory structure" includes anything of a subordinate nature attached to or not attached to a principal structure, such as, satellite dishes, antennas, sheds, detached garages, decks, and carports if not attached. Except as otherwise required in this Zoning Code an "accessory structure" shall be a permitted use.

AGRICULTURE
The use of land for the purpose of farming, dairying, pasturage, horticulture, cultivation of flowers, cultivation of grapes, animal and poultry husbandry, and limited processing and sale of agricultural products from land under same ownership.

ALLEY
(See Thoroughfare)

ALTERATION
Any change, addition, or modification in construction use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

ANIMAL GROOMING
An activity where the principal business is domestic pet hygiene including washing, brushing, shearing, and nail cutting.

ANIMAL HOSPITAL OR CLINIC
A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS
Places where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SALES
The display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

AUTOMOBILE SERVICE STATION
A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE WASHING FACILITIES
Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS
Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT
A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See "Story") (See Illustration, Exhibit "C" following this Section.)

BED AND BREAKFAST INNS
A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served and the kitchen shall not be remodeled into a commercial kitchen. The facility shall be located in an existing structure and a structure cannot be built for this purpose. The operator of the Inn shall live on the premises.

BEGINNING OF CONSTRUCTION
"Beginning of Construction" means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

BILLBOARD
A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot.

BLOCK
Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of Washington Township.

BOARD OF ZONING APPEALS (BZA)
Washington Township Board of Zoning Appeals hereinafter refer to as "BZA".

BOARDING OR LODGING HOUSES
A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided.

BUILDING
A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING LINE
(See Setback Line)

BUILDING LOT
Any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately, but shown on the county's tax maps as owned by the same owner.

BUILDING; PRINCIPAL
A building in which conducted is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AND RELATED TRADES
A building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.

BUILDING SERVICES AND SUPPLIES
Building supplies and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, and similar uses.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES
Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAR WASH
(See Automobile Washing Facilities)

CARRY-OUT
A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines.

CEMETERY
Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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

CLINIC
(See Medical Offices and Clinics)

CLUB
A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL ENTERTAINMENT FACILITIES
Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters; sports arenas; tennis, racquetball, and handball courts; health clubs; bowling alleys; and similar entertainment activities.

COMMERCIAL OUTDOOR RECREATION FACILITIES
Any outdoor profit-making activity which is generally related to the recreation field. These facilities include amusement parks, drive-in theaters, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, racetracks, skating rinks, and similar outdoor activities.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY
A state licensed or authorized home for children or adults which is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision. Community-oriented residential social service facilities include the following categories: agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPREHENSIVE LAND USE PLAN
A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of Washington Township which has been adopted by Washington Township to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

CONDITIONAL USE
A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, convenience, order, prosperity, and general welfare.

CONSTRUCTION TRADE FACILITY
These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVENIENCE STORE
Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT
(See Lot)

DAY CARE FACILITY
A building or structure where daytime care, protection, and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.

DAYS
Calendar days unless stated otherwise.

DENSITY
A unit of measurement; the number of dwelling units per acre of land.

A. Gross Density - the number of dwelling units per acre of the total land to be developed.
B. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPMENT PLAN
(See Comprehensive Land Use Plan)

DISTRICT
A portion of Washington Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN COMMERCIAL USES
A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

DWELLING
Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING; EFFICIENCY APARTMENT
A dwelling unit in a multi-family building without a separate distinct room for sleeping.

DWELLING; MULTI-FAMILY
A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

DWELLING; PERMANENTLY-SITED MANUFACTURED HOME
A building manufactured in an off-site facility designated for or occupied exclusively by one family shall be considered a single-family dwelling provided it meets all of the following criteria:

A. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 1200 square feet;
C. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
D. The structure was manufactured after January 1, 1995;
E. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.

DWELLING; SINGLE-FAMILY
A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, including permanently-sited manufactured homes as defined herein.

DWELLING; TWO-FAMILY
A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT
A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

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

EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS
Public, private, and/or religious schools including grades K through 12.

ELDERLY HOUSING FACILITIES
Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

ERECTED
Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

ESSENTIAL SERVICES
The erection, construction, alteration, or maintenance, by public utilities or Washington Township or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or Washington Township or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

FAMILY
A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house, or a hotel, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FEEDLOT
An area used for fattening or temporarily holding livestock for shipment, sale, or slaughter.

FENCE
Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL ESTABLISHMENTS
These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOD, REGIONAL
Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year flood.

FLOODPLAIN
That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOODWAY
That portion of the floodplain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE
That portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING
(To be Used in Calculating Parking Requirements)
The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FLOOR AREA OF A RESIDENTIAL BUILDING
The sum of the gross horizontal area of all floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FRONT LOT LINE
(See Lot)

FRONT YARD
(See Yard)

FUNERAL HOME
A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GARAGE; PRIVATE
An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

GAS STATION
(See Automobile Service Station)

GENERAL MERCHANDISE STORES
These facilities include department, variety, discount, home furnishing, grocery, retail sales, and drug stores.

GRAIN ELEVATORS AND FEED MILLS
A building, structure, or premises used for the storage and retail sales of grain and other related agricultural supplies and products.

GROUP HOME
Any licensed residential facility designated to allow not more than eight persons, needing specialized care, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE
These facilities include rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HOME OCCUPATIONS
An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood.

HOUSEHOLD ITEMS REPAIR SHOP
Repair of items normally found in the household including, but not limited to, shoes, watches, clocks, jewelry, appliances, and similar items.

INDUSTRIAL; ENCLOSED
Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 1129.15 Environmental Performance Standards, of this Zoning Code.

INDUSTRIAL; OPEN
Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 1129.15 Environmental Performance Standards, of this Zoning Code.

INTERIOR LOT LINE
Any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.

JUNK
"Junk" includes but is not limited to: old scrap copper, brass, rope, rags, trash, or waste; old and used building materials, batteries, paper, or rubber; junked, dismantled, or wrecked automobiles, or parts thereof; old or discarded household furniture or appliances; iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK MOTOR VEHICLES
Any vehicle shall be deemed a junk motor vehicle if it is an unlicensed vehicle.

JUNK YARD OR SALVAGE YARD
An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unlicensed vehicles shall be construed to be a "junk yard".

KENNELS
Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

LAND USE PLAN
The long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.

LOADING SPACE
A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOCK AND STORE WAREHOUSING (or Store and Lock)
A building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for storage of customer goods or wares.

LOT
For the purposes of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or road.

LOT COVERAGE
The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures including swimming pools, accessory structures or any part thereof, excluding projecting roof eaves.

LOT LINE
(See Illustration, Exhibit "B" following this Section.)

A. Front - A street right-of-way line forming the boundary of a lot.
B. Rear - The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.
C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS
A lot shall be measured as follows:

A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.

LOT; MINIMUM AREA OF
The total horizontal area within the lot lines of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD
A lot which is part of a subdivision recorded in the office of the Auglaize County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES
Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows:

A. Corner Lot - A lot located at the intersection of two or more streets. (See Illustration, Exhibit "A" following this Section).
B. Interior Lot - A lot with only one front yard on a street. (See Illustration, Exhibit "A" following this Section).
C. Through Lot - A lot other than a corner lot with a front yard on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (See Illustration, Exhibit "A" following this Section).

LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE
Buildings or premises used for the storage and sale of lumber and building materials.

MANUFACTURING
The mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.

MEDICAL OFFICES AND CLINICS
Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MINERAL EXTRACTION, STORAGE, AND PROCESSING
Any mining, quarrying, or processing of limestone, shale, clay, sand, gravel, coal, or other mineral resources.

MINI-WAREHOUSE
(See Self-Service Storage Facility)

MIXED USE
A combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Board of Appeals, in the same building or on the same premises.

MOBILE HOME OR TRAILER
Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MOBILE HOME COURT
Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located.

MULTI-FAMILY DWELLING (See Dwelling; Multi-Family)

NIGHTCLUB
(See Bars, Taverns, and Nightclubs)

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

NURSERIES AND GARDEN SUPPLIES STORES
A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME
An establishment which specializes in providing necessary health and related services to those unable to care for themselves.

OFF-STREET PARKING
The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OPEN SPACE
That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot and shall not be used for storage or parking.

PARKING LOT
An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE; OFF-STREET
For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERMITTED USE
A use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.

PERSONAL SERVICES
Services of a personal nature including, beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; tailoring; clothing rental; and other services performed for persons or their apparel.

PET SHOPS
Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP
Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

PLANNING COMMISSION
The Regional Planning Commission of Auglaize County.

POOL; SWIMMING
(See Swimming Pool)

PREEXISTING USE
An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

PRINCIPAL USE
The primary or predominant use of any land or improvement on it.

PRIVATE LANDING STRIPS AND HELIPORTS
A site built to the current FAA recommendations where aircraft arrive and depart.

PRIVATE SCHOOLS
Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than educational facilities.

PROFESSIONAL OFFICES
(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS
Establishments for local, county, regional, state, or federal government agencies.

PUBLIC RECREATION FACILITIES
Parks, playgrounds, golf courses, sports arenas, gymnasiums, Washington Township centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

PUBLIC SERVICE FACILITY
The erection, construction, alteration, operation, or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.

PUBLIC WAY
An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

REAR LOT LINE
(See Lot Line)

REAR YARD
(See Yard)

RECONSTRUCTED
Any change, addition, or modification in construction use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATION VEHICLE
Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

REGIONAL PLANNING COMMISSION
Auglaize County Regional Planning Commission. Sometimes referred to as County Planning Commission.

RELIGIOUS PLACES OF WORSHIP
An institution that a congregation of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denominations are held.

RESTAURANT
An establishment whose primary business is serving food and beverages to patrons for consumption inside the building or an establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order; and whose principal method of operation includes the following characteristics: food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

RETAIL BUSINESS
Any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.

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

SCREENING
The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SEAT
For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SERVICE GARAGE
(See Automobile Repair, Painting, and Body Shops)

SERVICE STATION
(See Automobile Service Station)

SETBACK LINE
A line established by the Zoning Code, generally parallel with and measured from the lot line/right-of-way, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code. No portion of the submerged lot shall be counted toward the required setback. (See Yard)

SEWERS, CENTRAL OR GROUP
An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single-development, township, or region.

SIDE LOT LINE
(See Lot Line)

SIDE YARD
(See Yard)

SIGN
A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 1137.00 Signage.)

SINGLE-FAMILY DWELLING
(See Dwelling; Single-Family)

STORY
That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See Illustration, Exhibit "C" following this Section.)

STREET
(See Thoroughfare)

STRUCTURAL ALTERATION
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE
Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SURVEY
A description of land prepared by a professional, licensed surveyor.

SWIMMING POOL
A structure constructed or placed below ground or above ground, which contains water in excess of 30 inches in depth and is suitable or utilized for swimming or wading.

TAVERN
(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING
The temporary use of land or a building permitted by the Zoning Inspector construction, or for special events. (See Section 1129.12 Temporary Uses.)

THOROUGHFARE
The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
C. Collector Street - A thoroughfare, whether a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

THROUGH LOT
(See Lot)

TRAILER PARK
(See Mobile Home Court)

TRANSPORT TRUCKING TERMINAL
Any business, structures, or premises which primarily receives or distributes goods by tractor trailer or similar vehicle.

TWO-FAMILY DWELLING
(See Dwelling; Two-Family)

USE
The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

UTILITY SERVICE COMPANIES
Utility buildings, telephone exchanges, and transformer stations or uses other than general offices.

VARIANCE
A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship for a use variance or practical difficulty for an area variance.

VISION CLEARANCE ON CORNER LOTS
A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to Auglaize County Construction Standards and Drawings)

WAREHOUSE
A building used principally for the storage of goods and materials.

WHOLESALE BUSINESS
An establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.

YARD
An open space on the same lot with a main building, unoccupied, and unobstructed by structures from tile ground upward, except as otherwise provided in this Zoning Code. (See Illustration - Exhibit "B" following this Section.)

A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front right-of-way line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard. (See Illustration Exhibit "B" following this Section)
B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building. (See Illustration Exhibit "B" following this Section)
C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See Illustration Exhibit "B" following this Section)

ZONE
Zone means the same as district.

ZONING BOARD OF APPEALS
(See Board of Zoning Appeals)

ZONING CERTIFICATE
The document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ZONING COMMISSION
Washington Township Zoning Commission as appointed by the Washington Township Trustees according to the Ohio Revised Code.

ZONING INSPECTOR
A person appointed by the Washington Township Trustees to handle the administration of Washington Township.

ZONING PERMIT
The document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

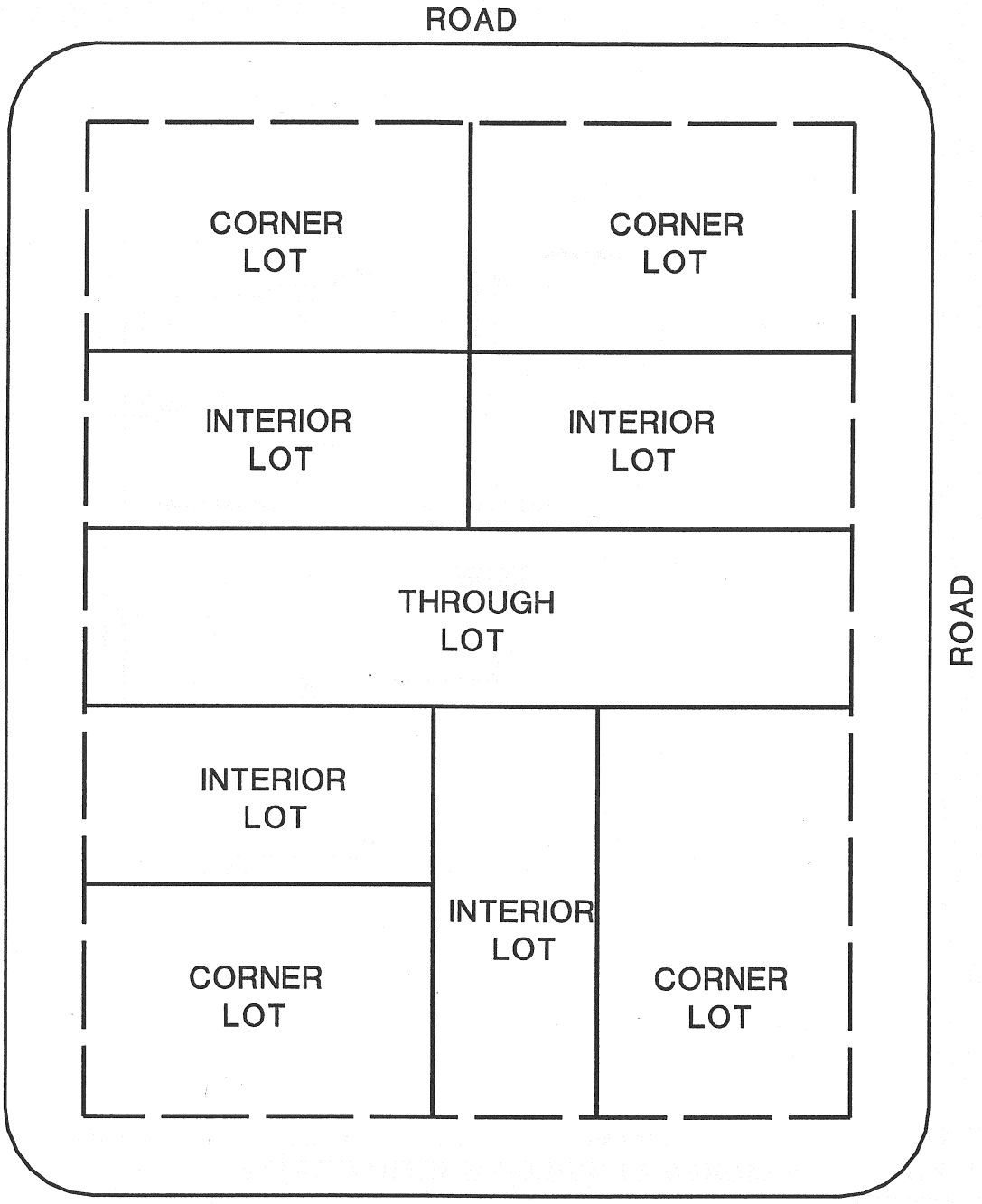
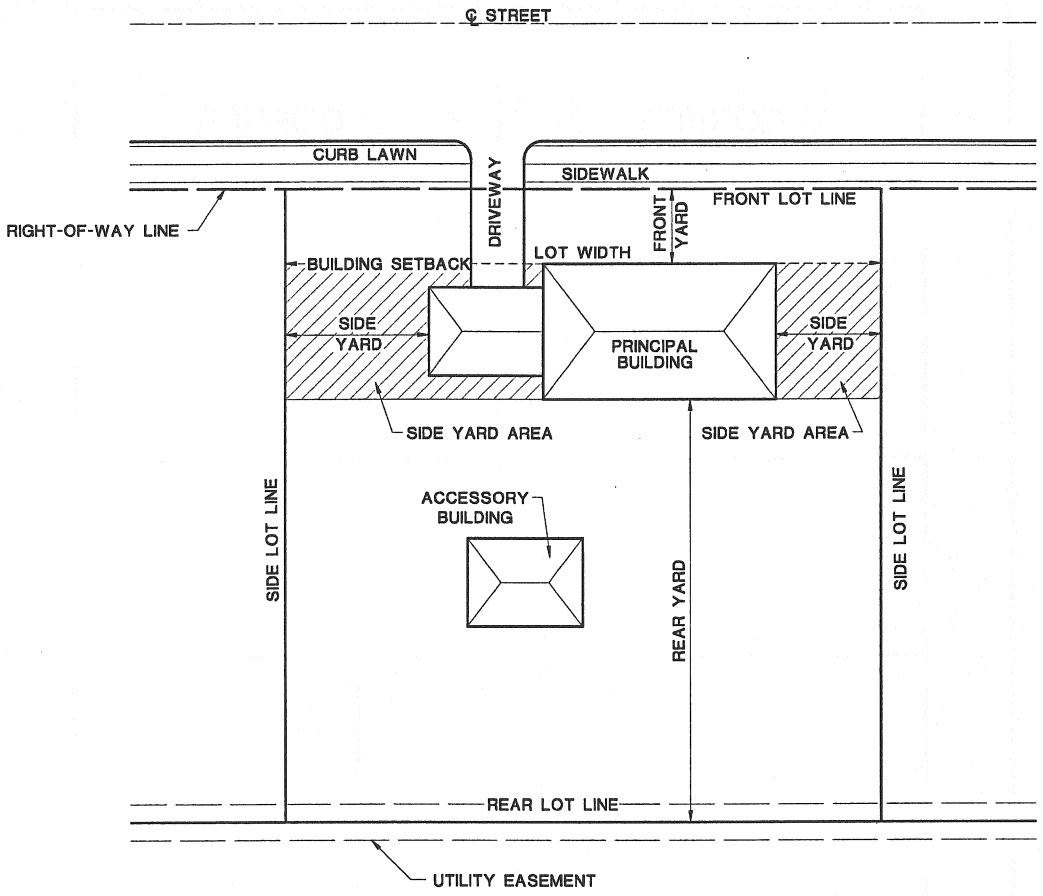


ILLUSTRATION - EXHIBIT "A"
TYPES OF LOTS



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE
LOT COVERAGE – PERCENT OF LOT OCCUPIED BY BUILDING

ILLUSTRATION – EXHIBIT "B"
BUILDING - PRINCIPAL AND LOT TERMS

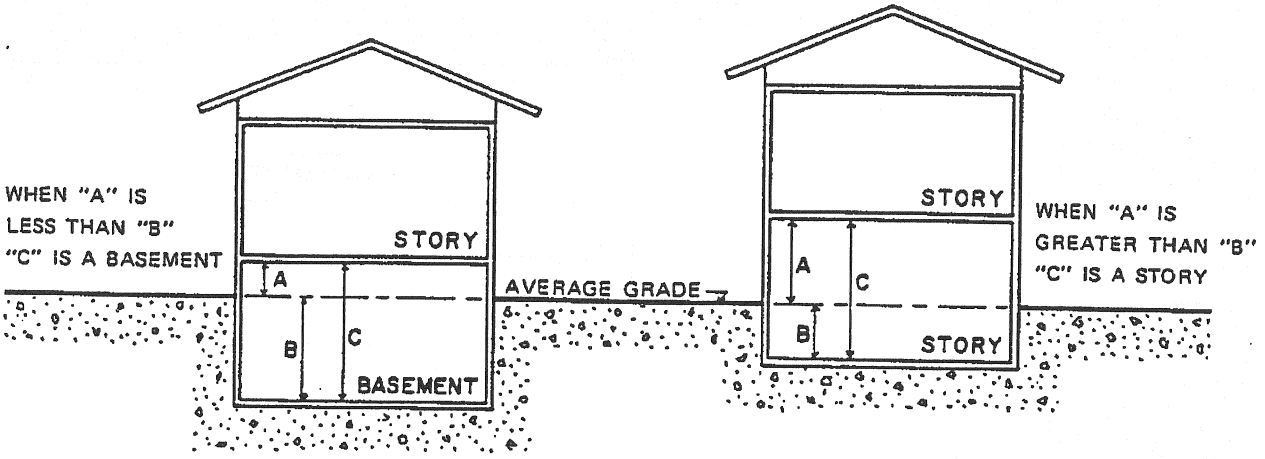
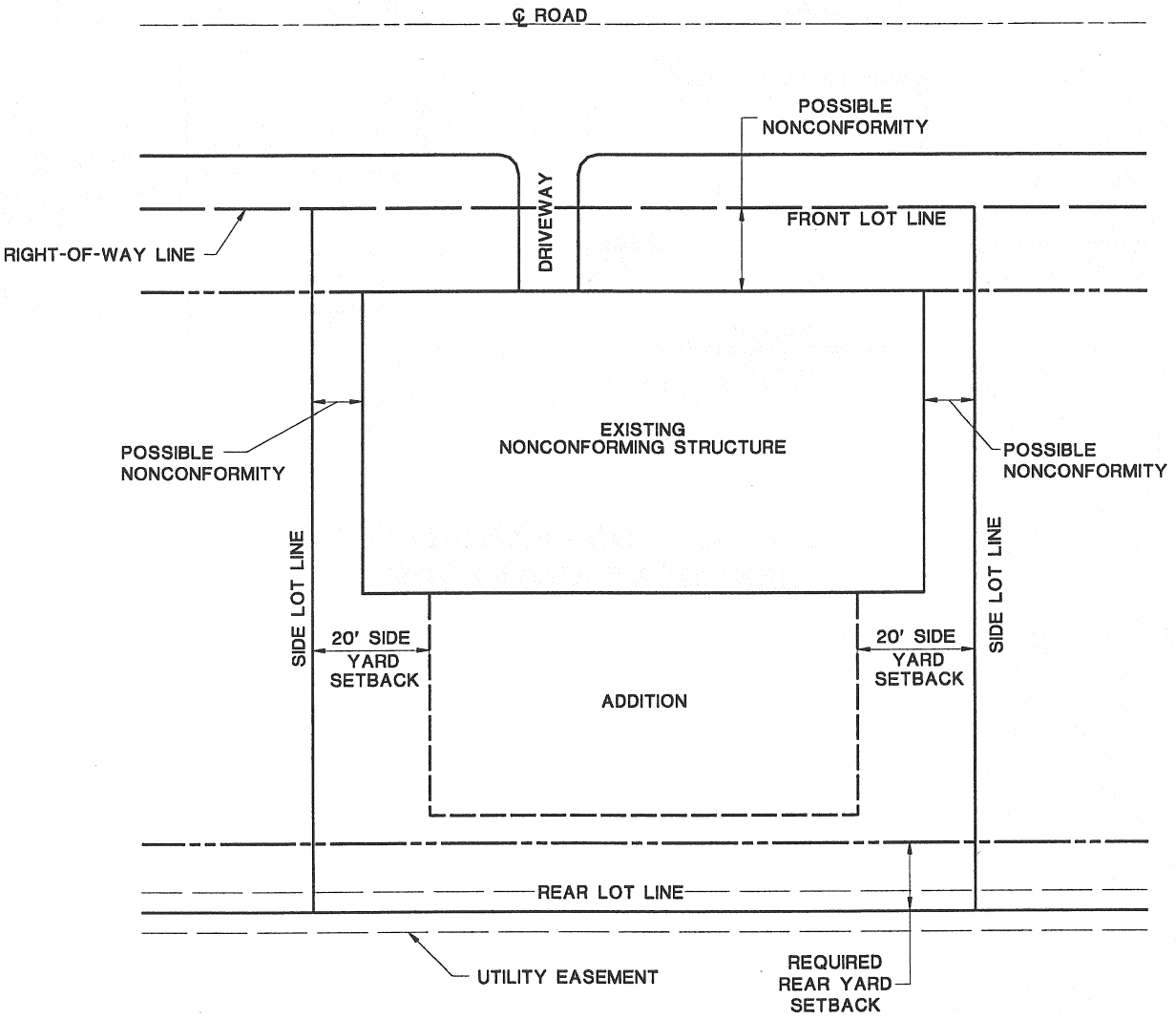


ILLUSTRATION - EXHIBIT "C"
BASEMENT AND STORY



ALL DISTRICTS

ILLUSTRATION – EXHIBIT "D"
EXAMPLES FOR ADDITIONS TO NONCONFORMING STRUCTURES
SEE SECTION 1133.09 NONCONFORMING STRUCTURES

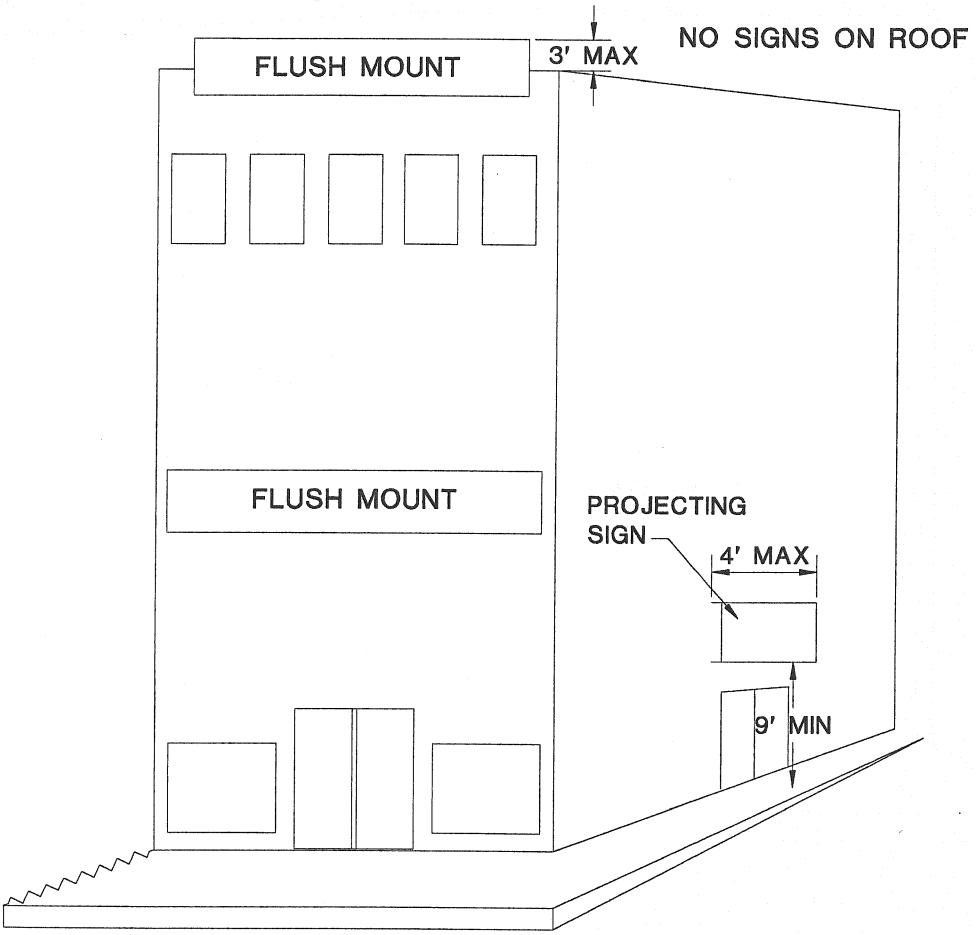


ILLUSTRATION – EXHIBIT "E"
SEE SECTION 1137.09A ATTACHED SIGNS

A. No sign attached, detached, or portable shall be permitted in the right-of-way of any street or alley, except attached signs which may extend 4 feet from face of building.
B. Total area of all attached signs shall not exceed 1 times the linear foot of the lot frontage.

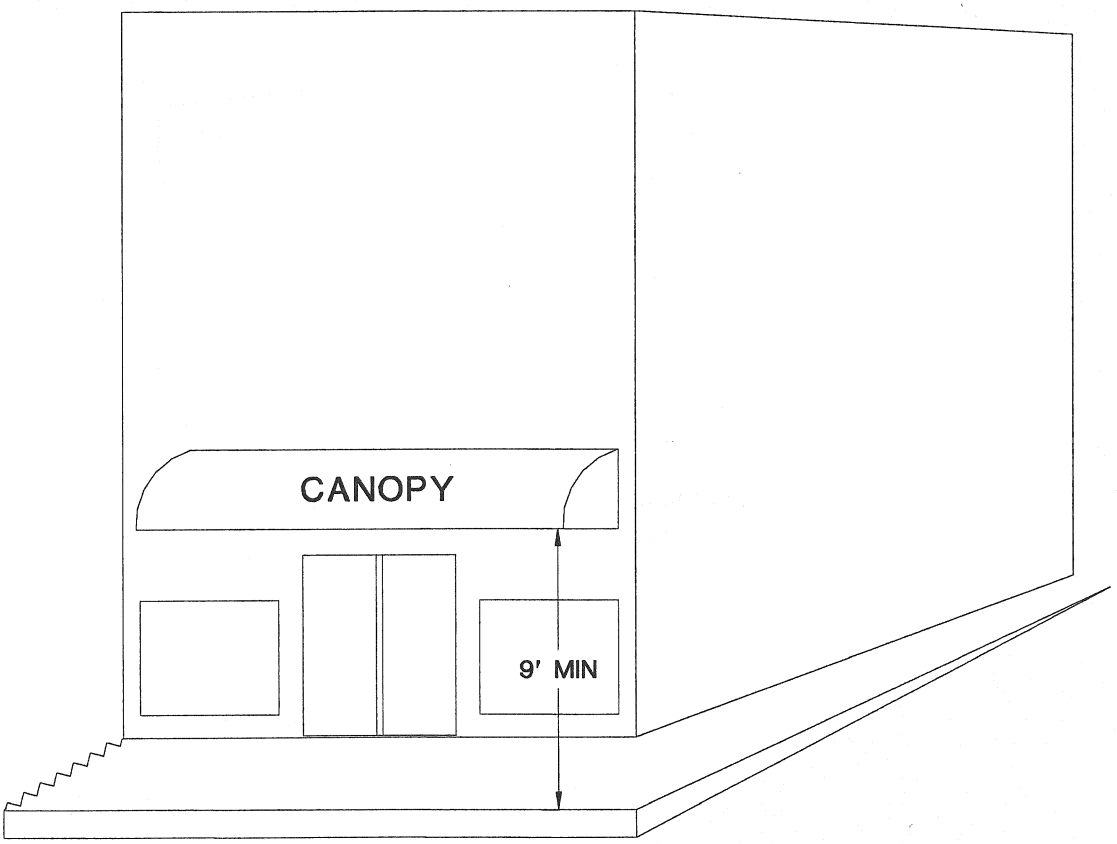


ILLUSTRATION – EXHIBIT "F"
SEE SECTION 1137.09C ARCHITECTURAL CANOPY SIGNS

A. Signs shall not be located on or project over any right-of-way except in a C Commercial District in which it may extend 4 feet from face of building or 3 feet off the back of curb.
B. Signs shall not be permitted to obstruct or adversely affect traffic visibility.
C. Signs shall not be closer than 25 feet to the adjacent lot.

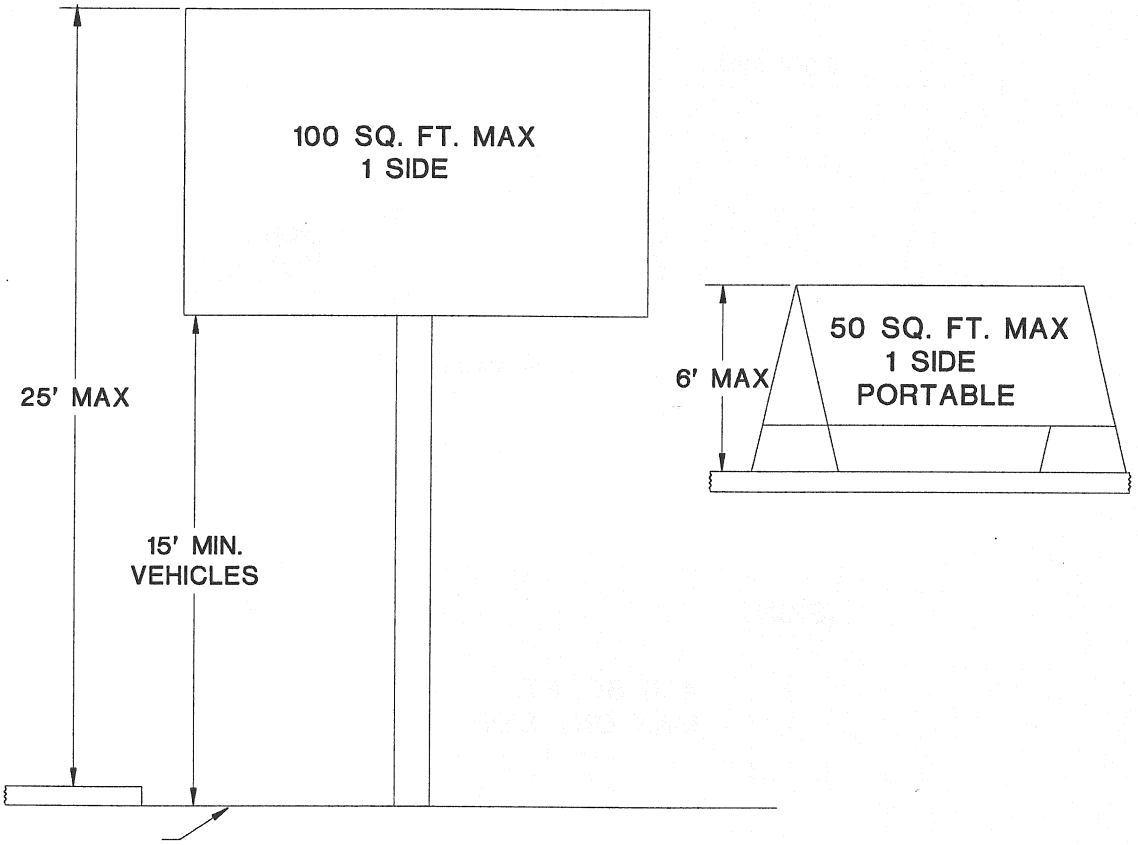


ILLUSTRATION – EXHIBIT "G"
SEE SECTION 1137.09B DETACHED SIGNS

Signs may not project more than 3 feet over a public right-of-way and not more than 6 feet over private property.

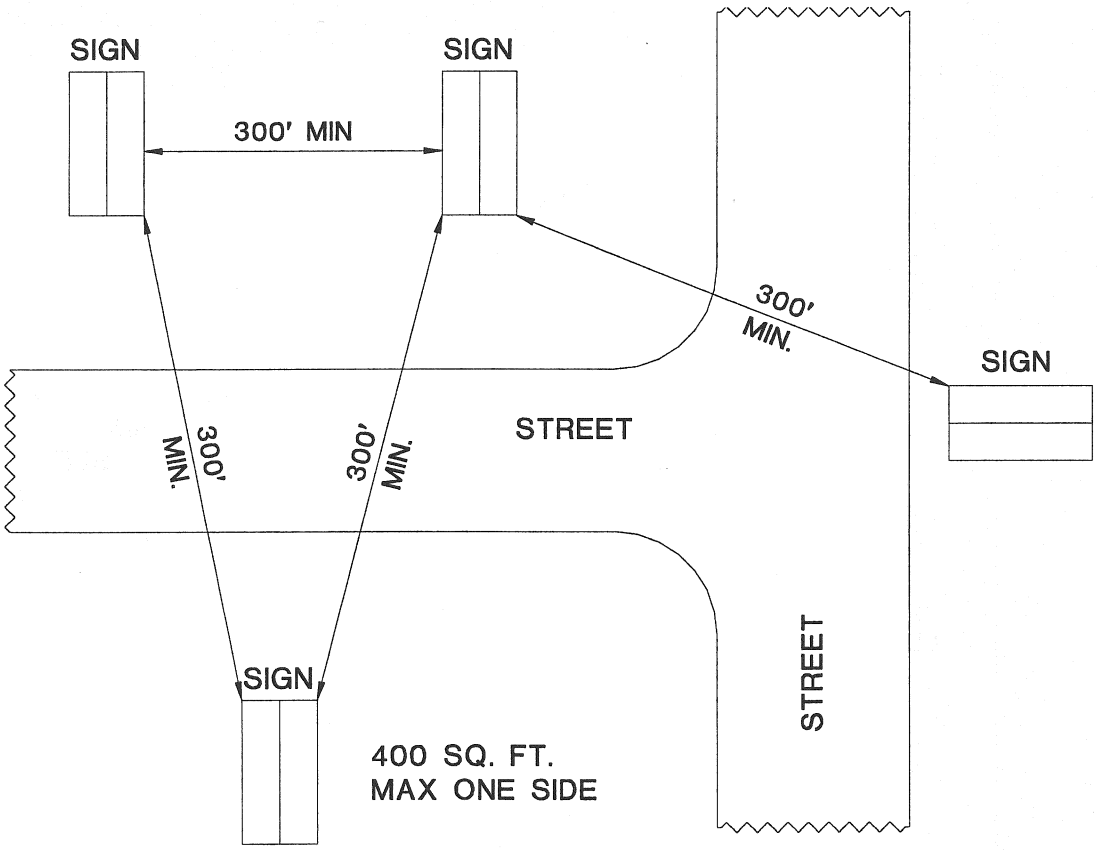


ILLUSTRATION – EXHIBIT "H"
SEE SECTION 1129.21 BILLBOARDS

A. Billboards will be set back from all right-of-way at least as far as required front yard depth for principal buildings in the district where located.
B. No billboards will exceed the height of the roof line of the building.
C. No more than two billboards shall be attached together.
D. There shall be a 400 sq. ft. maximum area per side of the billboards.

1125.00 ESTABLISHING DISTRICTS AND ZONING MAP

1125.01 Intent

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

1125.02 Establishment of Districts

The following zoning districts are hereby established for Washington Township, Auglaize County, Ohio:

A-R	Agriculture/Residential District
R-1	Residential District
C	Commercial District
I	Industrial District

1125.03 Zoning District Map

A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

B. The official zoning map shall be identified by the signature of the Trustees and clerk of Washington Township. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.

C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Washington Township chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in Washington Township.

1125.04 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official zoning map.

A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.

D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Washington Township unless otherwise indicated.

F. Where district boundaries are so indicated that they follow or approximately follow the limits of any Washington Township corporation, such boundaries shall be construed as following such limits.

G. Whenever any street, alley, or other public way is vacated by official action of the Washington Township Trustees, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth, be subject to all regulations appropriate to the respective extended districts.

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

1127. 00 DISTRICT REGULATIONS

1127. 01 Compliance with Regulations

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.

B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:

   1. To provide for greater height or bulk;

   2. To accommodate or house a greater number of families;

   3. To occupy a greater percentage of lot area;

   4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.

C. Except as otherwise provided in this Zoning Code, no yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.

TOWNSHIP ZONING CODE
Summary of Zoning District Requirements

Zoning District	Minimum Lot Area (1)	Minimum Lot Width (2)	Minimum Front Yard Setback* (3)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Maximum Percent Lot Coverage (6)	Minimum Square-feet
A-R AGRICULTURE/ RESIDENTIAL	2.5 acres	250'	80'	20'	60'	20%	1200 s.f.
R-1 RESIDENTIAL	20000 sq. ft. with central sewer 2.5 acres without central sewer	125' 250'	50' with central sewer 80' without central sewer	20'	40' principal 20' accessory	25%	1200 s.f.
C COMMERCIAL	1 acre with central sewer 2.5 acre without central sewer	125' 250'	50' 80'	20'	40' principal 20' accessory	40%	
I INDUSTRIAL	2.5 acres	250'	80'	20'	40' principal 20' accessory	50%	

* All front yard measurement from road right-of-way line.

For definitions, see:
1. Lot, Minimum Area of; also Illustration Exhibit "B"
2. Lot Measurements, Width; also Illustration Exhibit "B"
3. Yard, Front Yard; also Illustration Exhibit "B"
4. Yard, Side Yard; also Illustration Exhibit "B"
5. Yard, Rear Yard; also Illustration Exhibit "B"
6. Lot Coverage; also Illustration Exhibit "B"

TOWNSHIP ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT			
P = Principal Permitted Use C = Conditional Use *	A-R Agri. Residential	R-1 Residential	C Commercial	I Industrial
Agriculture	P	C**	P	P
Airports				C
Adult Entertainment Facilities			C	
Animal Hospitals/Clinics	C		P	
Automotive Filling Stations			P	
Repair, Painting, and Body Shops			C	
Sales			P	
Service Station			P	
Washing Facilities			P	
Bars, Taverns, Nightclubs			C	
Bed and Breakfast Inns	C	C		
Billboards			C	C
Building and Related Trades			P	C
Business, Professional and Administrative Offices			P	C
Carryout			C	
Cemetery	C			
Clubs	C		P	
Commercial Entertainment Facilities			C	
Commercial Outdoor Recreation Facilities			C	
Community-Oriented Residential Social Service Facility			C	
Composting/Mulching				C
Construction Trade Facility				C
Convenience Store			P	
Day Care Facility	C	C	P	
Drive-In Commercial Uses			C	
Dwellings, Efficiency Apartment			C	
Single-Family	P	P	C	C
Two-Family		C	C	C
Multi-Family			C	C
Educational Institution			C	
Elderly Housing Facilities			C	

USE	ZONING DISTRICT			
P = Principal Permitted Use C = Conditional Use *	A-R Agri. Residential	R-1 Residential	C Commercial General Business	I Industrial
Farm Implement Sales				P
Financial Establishments			P	
Funeral Homes			P	
General Merchandise Stores			P	
Grain Elevators and Feed Mills			C	P
Group Homes	C	P	C	
Home Occupations	C	C	C	C
Heavy Equipment Rental, Sales, Service, and Storage				C
Household Items Repair Shop			C	
Industrial; Enclosed				C
Industrial; Open				C
Junk Yard and Salvage Yard				C
Kennels				C
Lock and Store Warehousing			C	
Lumber Yards and Building Materials Sale and Storage			C	
Manufacturing				P
Medical Offices and Clinics			P	
Mineral Extraction Storage and Processing				C
Mobile Home Court			C	
Nurseries and Garden Supplies Stores			C	
Nursing Homes			C	
Personal Services			P	
Pet Shops and Animal Grooming			C	
Private Landing Strips and Heliports	C			
Private Schools			C	
Public Service Facilities	C	C	C	C
Public Offices and Public Buildings	P	P	P	P
Public Recreation Facilities	P	P	P	P
Religious Places of Worship	C	C	C	
Retail Business			P	
Restaurants			P	
Sanitary Landfill or Transfer Station				C
Schools, Commercial			C	C
Transport Trucking Terminals				C
USE	ZONING DISTRICT			

P = Principal Permitted Use C = Conditional Use *	A-R Agri. Residential	R-1 Residential	C Commercial	I Industrial
Utility Service Companies	C		C	C
Warehousing			C	P
Wholesale Business	C		P	C

** Blank boxes represent uses not permitted.*

*** The Ohio Revised Code confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildin gs or structures are located. No zoning certificate shall be required for any such building or structure except any platted subdivision consisting of 15 or more lots of 1 acre or less.*

1127.10 A-R Agriculture/Residential District

1127.11 Intent

The intent of this district is to provide rural land for single-family residences and farms, with uses customarily associated with both. It is intended to be utilized in rural areas that are already developed, of marginal agricultural value, or adjacent to communities. The minimum lot dimensions are intended to reflect the requirements of on-site sewage.

1127.12 Principal Permitted Uses

A. Agriculture
B. Dwellings, Single-Family
C. Public Offices and Public Building
D. Public Recreation Facilities

1127.13 Conditional Uses

A building or premises may be used for the following purposes in the A-R Agriculture/ Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permit.

A. Animal Hospitals/Clinics
B. Bed & Breakfast Inns
C. Cemetery
D. Clubs
E. Day Care Facility
F. Group Homes
G. Home Occupations
H. Private Landing Strips and Heliports
I. Public Service Facilities
J. Religious Places of Worship
K. Utility Service Companies
L. Wholesale Business

1127.14 Area Regulations

The width, area, and setback regulations within the A-R Agriculture/Residential District shall be as follows:

General Requirements:

Minimum Lot Area	2.5 acres
Minimum Lot Width	250 feet
Minimum Front Yard Setback	80 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	60 feet
Maximum Lot Coverage	20%
Minimum Square Feet for Dwellings	1200 s.f.

1127.15 Cross References

Supplemental District Regulations, 1129.00 47-79
- Accessory Structures Uses 1129.02 47
- Satellite Dish Antenna Regulations, 1129.03 47-48
- Radio and Television Antenna Regulations, 1129.04 48-49
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.05 49-50
- Principal Building Per Lot, 1129.06 51
- Parking and Storage of Vehicles and Trailers, 1129.07 51
- Fences, 1129.09 51
- Projections into Required Yard, 1129.10 52
- Visibility at Intersections, 1129.11 52
- Temporary Uses, 1129.12 52-53
- Swimming Pools, 1129.13 53-54
- Home Occupations, 1129.14 54
- Residential Design and Appearance Standards, 1129.16 57
- Junk, 1129.20 64-65
- Billboards, 1129.21 65-66
- Landfills, 1129.22 66-70
- Transfer Stations, 1129.23 70-72
- Composting/Mulching, 1129.24 73-74
- Mineral and Soil Extraction, 1129.25 74-78

Conditional Uses; Substantially Similar Uses, 1131.00 80-83
Off-Street Parking and Loading Facilities, 1135.00 89-98
Signage, 1137.00 99-106
Zoning Permit Requirements and Enforcement, 1145.00 121-125

1127.20 R-1 Residential District

1127.21 Intent

The intent of this district is to provide property exclusively for single-family dwellings plus the public and private facilities serving residents of the area. It is intended to be utilized in non-agricultural areas with central sewers. The minimum lot dimensions are intended to promote the preservation of property values.

1127.22 Principal Permitted Uses

A. Dwellings, Single-Family
B. Group Homes
C. Public Offices and Public Buildings
D. Public Recreation Facilities

1127.23 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Low Density Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Agriculture
B. Bed & Breakfast Inns
C. Day Care Facility
D. Dwellings, Two-Family
E. Home Occupations
F. Public Service Facilities
G. Religious Places of Worship

1127.24 Area Regulations

The width, area, and setback regulations within the R-1 Low-Density Residential District shall be as follows:

General Requirements:

Minimum Lot Area	20,000 sq. ft. with central sewer or 2.5 acres without
Minimum Lot Width	125 feet with central sewer or 250 feet without
Minimum Front Yard Setback	50 feet with central sewer 80 feet without central sewer
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet principal, 20 feet accessory
Maximum Lot Coverage	25%
Minimum Square Feet for Dwellings	1200 s.f.

1127.25 Cross References

Supplemental District Regulations, 1129.00 47-79
Accessory Structures Uses 1129.02 47
Satellite Dish Antenna Regulations, 1129.03 47-48
Radio and Television Antenna Regulations, 1129.04 48-49
Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.05 49-50
Principal Building Per Lot, 1129.06 51
Parking and Storage of Vehicles and Trailers, 1129.07 51
Fences, 1129.09 51
Projections into Required Yard, 1129.10 52
Visibility at Intersections, 1129.11 52
Temporary Uses, 1129.12 52-53
Swimming Pools, 1129.13 53-54
Home Occupations, 1129.14 54
Residential Design and Appearance Standards, 1129.16 57
Junk, 1129.20 64-65
Billboards, 1129.21 65-66
Landfills, 1129.22 66-70
Transfer Stations, 1129.23 70-72
Composting/Mulching, 1129.24 73-74
Mineral and Soil Extraction, 1129.25 74-78
Conditional Uses; Substantially Similar Uses, 1131.00 80-83
Off-Street Parking and Loading Facilities, 1135.00 89-98
Signage, 1137.00 99-106
Zoning Permit Requirements and Enforcement, 1145.00 121-125

1127.30 C Commercial District

1127.31 Intent

The intent of this district is to provide property to meet the retail and other commercial needs of Washington Township. It is intended to be utilized in areas along major roads with good access. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, off-street parking, and on-site drainage retention.

1127.32 Principal Permitted Uses

A. Agriculture
B. Animal Hospitals/Clinics
C. Automotive Filling Stations Sales, Service Station, and Washing Facilities
D. Building and Related Trades
E. Business, Professional, and Administrative Offices
F. Clubs
G. Convenience Store
H. Day Care Facility
I. Financial Establishments
J. Funeral Homes
K. General Merchandise Stores
L. Medical Offices and Clinics
M. Personal Services
N. Public Offices and Public Buildings
O. Public Recreation Facilities
P. Retail Business
Q. Restaurants
R. Wholesale Business

1127.33 Conditional Uses

A building or premises may be used for the following purposes in the C Commercial General Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Adult Entertainment Facilities
B. Automotive Repair, Painting, and Body Shops
C. Bars, Taverns, Nightclubs
D. Billboards
E. Carryout
F. Commercial Entertainment Facilities
G. Commercial Outdoor Recreation Facilities
H. Community-Oriented Residential Social Service Facility
I. Drive-In Commercial Uses

J. Dwellings; Efficiency Apartment
K. Dwellings, Single-Family
L. Dwellings, Two-Family
M. Dwellings, Multi-Family
N. Educational Institutions
O. Elderly Housing Facilities
P. Grain Elevators and Feed Mills
Q. Group Homes
R. Home Occupations
S. Household Items Repair Shop
T. Lock and Store Warehousing
U. Lumber Yards and Building Materials Sale and Storage
V. Mobile Home Court
W. Nurseries and Garden Supplies Stores
X. Nursing Homes
Y. Pet Shops and Animal Grooming
Z. Private Schools
AA. Public Service Facilities
BB. Religious Places of Worship
CC. Schools; Commercial
DD. Utility Service Companies
EE. Warehousing

1127.34 Area Regulations

The width, area, and setback regulations within the C Commercial General Business District shall be as follows:

General Requirements:

Minimum Lot Area	1 acre with central sewer or 2.5 acres without
Minimum Lot Width	125 feet with central sewer or 250 feet without
Minimum Front Yard Setback	50 feet with central sewer or 80 feet without
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet principal, 20 feet accessory
Maximum Lot Coverage	40%

1127.35 Cross References

Supplemental District Regulations, 1129.00 47-79
Accessory Structures Uses 1129.02 47
Satellite Dish Antenna Regulations, 1129.03 47-48
Radio and Television Antenna Regulations, 1129.04 48-49
Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.05 49-50
Principal Building Per Lot, 1129.06 51
Parking and Storage of Vehicles and Trailers, 1129.07 51
Fences, 1129.09 51
Projections into Required Yard, 1129.10 52
Visibility at Intersections, 1129.11 52
Temporary Uses, 1129.12 52-53
Swimming Pools, 1129.13 53-54
Home Occupations, 1129.14 54
Residential Design and Appearance Standards, 1129.16 57
Junk, 1129.20 64-65
Billboards, 1129.21 65-66
Landfills, 1129.22 66-70
Transfer Stations, 1129.23 70-72
Composting/Mulching, 1129.24 73-74
Mineral and Soil Extraction, 1129.25 74-78
Conditional Uses; Substantially Similar Uses, 1131.00 80-83
Off-Street Parking and Loading Facilities, 1135.00 89-98
Signage, 1137.00 99-106
Zoning Permit Requirements and Enforcement, 1145.00 121-125

1127.40 I Industrial District

1127.41 Intent

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for Washington Township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

1127.42 Principal Permitted Uses

A. Agriculture
B. Farm Implement Sales
C. Grain Elevators and Feed Mills
D. Manufacturing
E. Public Offices and Public Buildings
F. Public Recreation Facilities
G. Warehousing

1127.43 Conditional Uses

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Airports
B. Billboards
C. Building and Related Trades
D. Business, Professional, and Administrative Offices
E. Composting/Mulching
F. Construction Trade Facility
G. Dwellings, Single-Family
H. Dwellings, Two-Family
I. Dwellings, Multi-Family
J. Home Occupations
K. Heavy Equipment Rental, Sales, Service, and Storage
L. Industrial; Enclosed
M. Industrial; Open
N. Junk Yard and Salvage Yard
O. Kennels
P. Mineral Extraction Storage and Processing
Q. Public Service Facilities
R. Sanitary Landfill or Transfer Station
S. Schools, Commercial
T. Transport Trucking Terminals

U. Utility Service Companies
Q. Wholesale Business

1127.44 Area Regulations

The width, area, and setback regulations within the I Industrial District shall be as follows:

General Requirements for all Permitted Uses:

Minimum Lot Area	2.5 acres
Minimum Lot Width	250 feet
Minimum Front Yard Setback	80 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet principal, 20 feet accessory
Maximum Lot Coverage	50%

1127.45 Cross References

Supplemental District Regulations, 1129.00 47-79
Accessory Structures Uses 1129.02 47
Radio and Television Antenna Regulations, 1129.04 48-49
Principal Building Per Lot, 1129.06 51
Parking and Storage of Vehicles and Trailers, 1129.07 51
Fences, 1129.09 51
Projections into Required Yard, 1129.10 52
Visibility at Intersections, 1129.11 52
Temporary Uses, 1129.12 52-53
Junk, 1129.20 64-65
Billboards, 1129.21 65-66
Landfills, 1129.22 66-70
Transfer Stations, 1129.23 70-72
Composting/Mulching, 1129.24 73-74
Mineral and Soil Extraction, 1129.25 74-78
Conditional Uses; Substantially Similar Uses, 1131.00 80-83
Off-Street Parking and Loading Facilities, 1135.00 89-98
Signage, 1137.00 99-106
Zoning Permit Requirements and Enforcement, 1145.00 121-125

1129.00 SUPPLEMENTAL DISTRICT REGULATIONS

1129.01 Intent

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or proclude such problems, and to promote the harmonious exercise of property rights without conflict.

1129.02 Accessory Structures Uses

A. It is the purpose of this Zoning Code to regulate accessory structures in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be 50% or less of the gross floor area of the principal structure except in the A-R Agriculture/Residential zone and lots of 5 acres or more.

2. It shall not contain or be used as a dwelling unit.

3. It shall not exceed height of the primary structure except in the A-R Agriculture/Residential zone where there is not a height restriction.

4. It shall meet all yard requirements of the principal use except the structure shall be no closer than 10 feet to the side and rear lot lines, not placed on a recorded easement, and no closer than 10 feet to the principal structure.

C. All accessory structures require a Zoning Permit.

1129.03 Satellite Dish Antenna Regulations

Satellite dish antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.

B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Zoning Inspector.

C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.

D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.

E. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.

F. Maximum diameter of any satellite dish shall not exceed 12 feet.

G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.

H. Placement of satellite dish antenna systems within any easement shall be prohibited.

I. A Zoning Permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provisions of this Section. Small satellite dishes under 3 feet in diameter may be placed anywhere on the property with the minimum height clearance of 7 feet and do not require a Zoning Permit.

1129.04 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.

B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.

C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.

D. Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of 60 feet.

E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.

F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.

G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provisions of this Section.

1129.05 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties

A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.

B. The following provisions shall apply with respect to screening:

1. Screening shall be provided for one or more of the following purposes:

   a. A visual barrier to partially or completely obstruct the view of structures or activities.
   b. An acoustic screen to aid in absorbing or deflecting noise.
   c. A physical barrier to contain debris and litter.

2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector, or BZA, in the event of an appeal, variance, or conditional use:

   a. A solid masonry wall.
   b. A solidly constructed decorative fence.
   c. A louvered fence.

d. A dense vegetative planting.
e. Landscaped mounding.

3. Height of screening shall be in accordance with the following:

   a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6 feet high in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet. Fences in front yards are not permitted to be solid fences. Plantings shall be minimum of 4 feet in height at the time of planting.

   b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by Zoning Inspector in relation to the nature of the use.

5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.

6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

7. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.

8. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Zoning Inspector may permit the installation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

1129.06 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot.

1129.07 Parking and Storage of Vehicles and Trailers

No commercial vehicles, including commercial tractors, trucks over 1 ton, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. All automotive vehicles or trailers of any type must be operable with current license plates or shall be parked or stored in an area completely screened from public streets or adjoining property.

1129.08 Required Refuse Collection Areas

The refuse collection areas provided by all multi-family residential, commercial, and industrial uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. Storage areas of proper density in residential districts shall utilize such additional screening as required in this Zoning Code.

1129.09 Fences

A. Fences constructed within a rear and side yard shall not be higher than 6 feet.

B. No fence, wall, or hedge shall rise over 36 inches in height on any required front yard. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.

C. All support structures shall face to the inside.

D. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.

E. Fences are not permitted in utility easements.

1129.10 Projections into Required Yards

A. Chimneys, flues, sills, pilasters, and other similar features may project into a required side yard a maximum of 12 inches. Roof overhangs may extend into a required side yard, a maximum of 12 inches.

B. No structure may project into a required front yard. However, steps, not porches, may extend from the dwelling into the required front yard a maximum of 10 feet.

1129.11 Visibility at Intersections

Vision clearance as defined in these Regulations is required on all corner lots at the street corner. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.

1129.12 Temporary Uses

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Use Permit, at least 7 days before the instigation of such use an application for a Temporary Use Permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

Temporary uses of public land are exempt from the requirements of this Section.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, except that two extensions not to exceed 6 months each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.

B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.

C. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or

organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.

D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving permission for such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

E. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any 12-month period upon the property at which he or they reside for a period not to exceed 3 consecutive days without obtaining a Temporary Use Permit, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations, and community organizations two times within any 12-month period and shall not exceed a period of 3 consecutive days, so long as the provisions of this Zoning Code pertaining to signs and parking are observed.

F. Trailer and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed 18 months in duration. For the purpose of this Section, a "basement" is defined as that portion of a residence constructed below ground and designed for the purpose of further construction for a living quarters area above the top of the basement walls. Residences specifically designed for below ground construction shall not be considered as "basements". Trailers shall be used for temporary residence only, and then only upon the proper application filed with the Zoning Commission and permission by the Zoning Commission. For the purposes of the Section, a mobile home shall not be considered a "trailer" if it has a minimum inside living area of 800 square feet and is anchored to the real estate.

1129.13 <u>Swimming Pools</u>

Swimming pools in excess of 30 inches in depth shall comply with the following requirements:

A. The swimming pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.

B. The swimming pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 10 feet to any property line or easement and/or directly under any type of electrical wiring.

C. All swimming pools require a Zoning Permit.

1129.14 Home Occupations

A. Home occupations may be conditionally permitted at any residence regardless of the zoning classification.

B. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor of the principal structure shall be used in conducting the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and mounted flat against the wall of the building.

D. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.

E. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.

F. No additional parking demand shall be created.

H. All home occupations require a Zoning Permit.

1129.15 Environmental Performance Standards

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety, and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

A. Applicability and Compliance

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Washington Township, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this Ordinance at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.

B. Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

Maximum Permitted Sound Levels

Source Property		**Receiving Property**		
Noise Source	Time	Agriculture/ Residential	Commercial	Industrial
Agriculture/Residential	Daytime[1]	55 dBA	55 dBA	55 dBA
	Nighttime[2]	50 dBA	50 dBA	50 dBA
Commercial	Daytime[1]	55 dBA	60 dBA	60 dBA
	Nighttime[2]	50 dBA	50 dBA	50 dBA
Industrial	Daytime[1]	55 dBA	60 dBA	70 dBA
	Nighttime[2]	50 dBA	50 dBA	60 dBA

[1] Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.
[2] Nighttime shall be considered as the hours between 10:00 p.m. and 7:00 a.m.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than 5 minutes.
5. Bells, chimes or carillons operating continuously for not more than 5 minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.
8. Agricultural

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state, and federal erosion control regulations or standards.

1129.16 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings and accessory buildings when located in a residential zone whether of modular or site-built construction, shall comply with the following design and appearance standards:

A. The structure is affixed to a permanent foundation and is connected to appropriate utilities. All dwellings hereafter erected including all modular homes and all mobile homes outside mobile home parks shall have a continuous masonry foundation extending from ground level to the bottom-most portion of the first floor;

B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 1200 square feet;

C. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;

1129.17 Adult Entertainment Facilities

A. Intent

This Section is based upon the Washington Township's recognition of certain possible adverse secondary effects of adult entertainment facilities and thereby protects the health, safety, and welfare of the citizens; protects the citizens from increased crime; preserves the quality of life; preserves the property values and the character of surrounding neighborhoods and businesses; deters the spread of urban blight and protects against the threat to health from the spread of communicable and social diseases.

B. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Adult bookstore, adult novelty store, or adult video store means an establishment, from which minors are excluded, having as a substantial or significant portion of its stock for trade, sale, or rental of the following:

   a. Books, magazines, other periodicals or printed material, photograph films, motion pictures, films, video cassettes, slides, computer media, or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas", which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

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

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

2. Adult cabaret means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which features:

   a. Persons who appear nude or in a state of nudity or semi-nudity;

   b. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas"; or

   c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

3. Adult drive-in theater means a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons.

4. Adult entertainment means performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas or specified sexual activities.

5. Adult entertainment facilities means any of the following uses: adult bookstores, adult novelty stores, adult video stores, adult drive-in theaters, adult photography studios, adult cabarets, massage establishments, finger-painting studios, adult motels, adult motion picture theaters, or any other similar personal service or entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.

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

   a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or

   b. Offers a sleeping room for rent for a period of less than ten hours; or

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

7. Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

8. Adult motion picture theater means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

9. Mainstream performance house means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.

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

11. Nude or state of nudity means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.

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

13. Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast; human male genitals in a discernibly turgid state even if completely and opaquely covered.

14. Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

C. Regulations

Adult entertainment facilities and like uses, shall be a conditional use within an I Light Industrial District and subject to the following conditions:

1. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.

2. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, libraries, or teaching facilities if attended by persons under 18 years of age.

3. No adult entertainment facility shall be established within a radius of 1,000 feet of any park, recreational facility, or camp attended by persons under 18 years of age.

4. No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility or within a radius of 500 feet of any two of the following establishments (or of any one establishment which combines to any degree any two of the following activities), whether within Washington Township or any other political subdivision:

a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
b. Pawn shops.
c. Pool or billiard halls.
d. Pinball palaces, halls, or arcades.
e. Dance halls or discotheques.

5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under 18 years of age.

6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

7. In granting any such conditional use, the BZA may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the BZA unless it finds that the use for which such approval is sought, is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation, or improvement, either residential or nonresidential, or be contrary to the public safety, and general welfare of Washington Township.

8. The measure of distances for purposes of this Section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies".

9. Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.

10. Any establishment offering live dancing performances shall adhere to the following regulations:

    a. The dancing performances shall be confined to a clearly defined stage or platform area that is elevated at least two feet above the normal floor elevation of the establishment.

    b. There shall be a clearly defined and delineated three-foot "buffer" area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served.

    c. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.

d. All dancing or entertainment shall be confined to the stage or platform area as defined herein.

e. At no time during the performance shall the patrons or the entertainers be permitted to encroach on the aforedescribed "buffer" zone.

f. The entertainers and patrons are prohibited from commingling with or touching one another while the entertainers are on stage or platform.

D. Savings Clause

If any sentence, clause, or part of this Section is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Section and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the Trustees that this Section would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

1129.18 Bed and Breakfast Inns

Bed and Breakfast Inns may be approved when the following conditions are met:

A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signage, and screening and a floor plan indicting the proposed operations.

B The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The registry shall be made available for inspection by Washington Township.

C. No more than five persons - two adults and three children- may occupy each guestroom.

D. There shall be no change in the outside appearance of the building or lot or other visible evidence of the conduct of the Bed and Breakfast Inn that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single-family dwelling.

E. Signage shall be permitted as non-illuminated, not to exceed two feet square, and not to be placed above the first story and as indicated in Section 1137.00 Signage.

F. One off-street parking space shall be provided for every guestroom in addition to the off-street parking otherwise required for a single-family dwelling. All off-street parking shall be screened in accordance with Section 1135.00 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double-stacked. On-street parking on

public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.

G. No kitchen facilities within individual rooms. No kitchen or cooking facilities shall be permitted within the individual guestrooms.

H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.

I. Rental of the Bed and Breakfast Inn for special gatherings such as wedding receptions and parties shall be prohibited.

J. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Fire Chief, and a Zoning Permit shall not be issued by the Zoning Inspector until the Fire Chief has inspected the Bed and Breakfast Inn.

K. The applicant shall submit the proposed Bed and Breakfast Inn to the Auglaize County Health Department for review.

L. Other appropriate conditions may be prescribed by the BZA on an individual basis.

1129.19 Automobile Washing Facilities

A. All washing activities shall be carried on within a building.

B. The minimum lot size shall be 15,000 square feet, with no less than 100 feet of frontage.

C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.

D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right-of-way.

E. Water or residue from the washing process shall not be allowed to drain from the site containing such establishment.

F. All parking and access drives shall be hard-surfaced and dust-free.

G. The following waiting and parking requirements shall be minimum requirements:

1. A minimum of six off-street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of ten off-street waiting spaces shall be provided for every bay with automatic or assembly-line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.

2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.

3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.

H. A solid fence, wall, or evergreen shrubbery at least 6 feet in height shall be required when an automobile washing facility is adjacent to a Residential or Agriculture District, or adjacent to any residential property. (See Section 1129.05 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties).

I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

1129.20 Junk

The accumulation or storage of junk or junk motor vehicles, abandoned vehicles, recreational vehicles, etc. shall be prohibited, except in an approved junk yard. These can be approved as a conditional use. (See Section 1127.00 District Regulations)

A. Required Conformance

No junk vehicles shall be stored or parked within Washington Township except in accordance with the regulations of this section.

B. Outdoor Storage of Junk Vehicles Prohibited

No person in charge or control of any property within Washington Township, whether as owner, tenant, occupant, lessee, or otherwise, shall allow more than one junk or inoperable vehicle to remain on such property outside of an area completely screened from public streets or adjoining property.

C. Business Use of Junk Vehicles

No business shall be conducted in connection with any parked or stored junk or inoperable vehicle, except authorized junk yards, scrap metal processing facilities, and automobile repair facilities.

D. Required Screening of Junk Vehicles

Authorized junk yards, scrap metal processing facilities, and automobile repair facilities shall be exempted from required building enclosure insofar as junk or inoperable vehicles are completely screened from public streets and adjoining property. Such screening shall consist of mounding, fence, wall, and/or vegetation. Any screening shall be in accordance with the following requirements:

1. Fences or walls shall be neatly constructed of opaque material and maintained to ensure their opaqueness.

2. Vegetation and/or mounding shall be designed and grown to an opaque state and maintained as such.

3. It shall not be less than 6 feet in height above grade.

4. It shall be maintained in a condition so as to ensure its opaqueness.

5. It shall not contain advertising.

E. Removal of Junk Vehicles

No junk vehicle shall remain stored or parked in violation of this section after receipt of a notice of violation.

1129.21 <u>Billboards</u>

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot. All billboards require a Zoning Permit. (See Illustration – Exhibit H.)

A. <u>Required Conformance</u>

All billboards within Washington Township shall be in accordance with the provisions of this Section.

B. <u>Permitted Locations</u>

Billboards may be erected on free-standing structures and on any side or rear building wall only in the A-R Agriculture/Residential District.

C. <u>Number of Faces</u>

Free-standing billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

D. Maximum Height

The top of a free-standing billboard shall not extend more than 25 feet above the grade of the road.

E. Required Spacing

No billboard shall be located closer than 1500 feet to another billboard facing traffic flowing in the same direction.

F. Maximum Sign Area

The maximum sign area permitted for a free-standing billboard shall not exceed 250 square feet of total area. The maximum sign area for a wall billboard shall not exceed 10% of the wall area or 200 square feet of total area, whichever is less.

G. Structural Design

Structures for free-standing billboards shall be of vertical (cantilever) construction and where the back of the sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance.

H. Lighting

All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not cast direct light upon public streets and/or adjacent and surrounding properties.

I. Required Setback From Street

All free-standing billboards shall be set back from right-of-way lines a minimum distance of 100 feet along all roadways unless they are 32 square feet or less then the minimum distance shall be 5 feet.

J. Setback From Residential Uses and Districts

No billboard shall be located closer than 500 feet to any residential zoning district or 200 feet from any existing residential dwelling.

1129.22 Landfills

A. Required Conditions

Landfills may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment.

Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for landfills within Washington Township shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of 1 inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Auglaize County Comprehensive Plan.

2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.

3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.

4. A plan for monitoring underground water contamination.

5. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site.

6. Proposed methods of control for insects, rodents, and other disease vectors.

7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.

8. Proposed methods for screening.

9. Proposed hours of operation.

10. The location and size of proposed shelters for landfill personnel and equipment.

11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed landfill operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially-zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be on duty during the time the landfill site is open to supervise the unloading of refuse.

I. Control Of Blowing Debris

Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

J. Open Storage/Burning Prohibited

There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Cover Layer Required Daily

A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

N. Other Required Conditions

Conditions which the BZA deems necessary to ensure that the landfill operation will not be detrimental to surrounding properties or to the environment.

O. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (l) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a landfill under Section 515 of this zoning resolution without application for and receipt of a hazardous waste storage-burial Conditional Use Permit from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance:

1. The full legal and corporate name of the site operator to include any other names used by said site operator within the past 5 years, and the names of all the officers of the said proposed operator and include detailed resumes of same indicating prior experience or expertise in the operation of a hazardous waste storage-burial facility.

2. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna of same.

3. A complete fire and population evacuation plan for all areas within 5 miles of the site center.

4. A complete geologic and hydrologic study of the site showing site barrier control sufficient to prevent all off-site leachate transmission and ensure protection of all water supplies.

5. Operator shall submit the name of its waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.

6. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off-site.

7. Operator/applicant shall present proof to the Board of Licensure for Hazardous Waste Storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any Conditional Use Permit by the BZA.

8. Operator/applicant shall present proof of bond or surety to the sum set by BZA subject to the approval of the Washington Township Trustees. Proof of bond shall be required prior to the grant of a Conditional Use Permit for hazardous waste storage in Washington Township.

P. Inspections and Enforcement

The Zoning Inspector or a Auglaize County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a landfill is in violation of any of the above sections or any other conditions imposed by the BZA.

1129.23 Transfer Stations

A. Required Conditions

Transfer Stations may be permitted, with all operations performed inside an enclosed building, as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for transfer stations within Washington Township shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of l inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Auglaize County Comprehensive Plan.

2. Topographic maps, drawn at a scale no greater than l inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.

3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.

4. A plan for monitoring underground water contamination.

5. A transportation plan for the site illustrating any proposed external routes or access to the transfer and any proposed internal circulation routes within the transfer.

6. Proposed methods of control for insects, rodents, and other disease vectors.

7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.

8. Proposed methods for screening.

9. Proposed hours of operation.

10. The location and size of proposed shelters for transfer station personnel and equipment.

11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed transfer station operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the transfer station operation from any public street, existing dwelling unit, or any residentially zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be on duty during the time the transfer station site is open to supervise the unloading of refuse.

I. Control Of Blowing Debris

Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

J. Open Storage/Burning Prohibited

There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine transfer station operations promptly in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Other Required Conditions

Conditions which the BZA deems necessary to ensure that the transfer station operation will not be detrimental to surrounding properties or to the environment.

N. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (l) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931 shall be stored on any site designated as a transfer station under this Section of this zoning resolution without application for and receipt of a Conditional Use Permit for hazardous waste storage from the BZA and submission of an operating plan by the proposed site operator to include the following information and assurance:

O. Inspections and Enforcement

The Zoning Inspector or a Auglaize County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a transfer station is in violation of any of the above sections or any other conditions imposed by the BZA.

1129.24 Composting/Mulching

A. Required Conditions

Composting/mulching may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for composting/mulching within Washington Township shall be accompanied by the following information, at a minimum:

1. Proposed methods of control for insects, rodents, and other disease vectors.

2. Proposed methods of controlling odor, dust, and/or blowing debris.

3. Proposed methods for screening.

C. Screening

The site shall contain mounding or screening adequate to obscure the view of the composting/mulching operation from any public street, existing dwelling unit, or any residentially zoned property.

D. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

E. Control Of Blowing Debris

Blowing debris shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

F. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine composting/mulching operations promptly in a systematic manner.

G. Inspections and Enforcement

The Zoning Inspector or an Auglaize County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a composting/mulching area is in violation of any of the above sections or any other conditions imposed by the BZA.

1129.25 Mineral and Soil Extraction

A. Intent

The intent of this Section is to protect the health, safety, welfare, and environmental quality of Washington Township. Soil and mineral extractive industries can contribute to soil erosion and sedimentation of streams, traffic hazards, and may pose other ground water pollution dangers. This Section is intended to prevent or minimize these effects.

B. Definition

Soil and mineral extractive industries are those activities of removing stone, gravel, sand, soil, or other minerals from the ground through processes commonly referred to as quarrying or mining and whose primary purpose and intent is the removal of minerals as a primary product for use or sale. This Section does not refer or apply to excavations made for other primary purposes, including but not limited to, construction of sewage lagoons, manure lagoons, swimming pools, retention ponds for canals. This exemption shall apply to these primary purpose even if the materials excavated are moved or sold as a secondary means of disposal.

C. Application Requirements

In addition to other items required on a Conditional Use Permit application, the following information shall be submitted:

1. Vicinity maps, drawn at a scale of 1 inch equals 1,000 feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.

2. A map at a scale of at least 1 inch equals 100 feet showing existing contours at intervals of 5 feet or less, to any existing building structures, and any public utilities of easements on the property.

3. Name and address of the applicant, including all partners and officers of the corporation.

4. Name and address of the owner of surface rights of the property.

5. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation.

6. A list of the types of resources or minerals to be extracted.

7. The proposed method of removal of such resources and whether or not blasting and other uses of explosives if required (storage of explosives is forbidden anywhere in Washington Township).

8. A study of the anticipated depth of excavations and probable effect to the existing water table, conducted by a qualified professional engineer who is registered in the State of Ohio. If the water is to be effected, the operator shall provide proof, before permission for excavation is given, the source of any public or private water supply shall not be adversely effected due to a lowering of the water table or contamination of the supply.

9. The location of any processing plant to be used, and any accessory of kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.

10. A general description of the equipment to be used for excavating processing, and/or transporting excavated mineral resources.

11. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.

12. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and any other information the BZA may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.

D. All proposed mineral extraction operations shall require a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.

E. A description of adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.

F. The location of any storage or processing activities upon the site shall be subject to approval by the BZA because of possible detrimental external effects, such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially-zoned property.

G. Mineral extraction to a depth not exceeding 6 feet may be conducted to within 100 feet of any residential district, provided the operation is conducted over a temporary period not to exceed 12 months. The operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer then 500 feet from an existing residential district or any dwelling.

H. Temporary operational roads shall not be located closer than 200 feet from any residential district or any existing dwelling.

I. Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing for processing for which no other use is practical or feasible, shall be demolished and removed at expiration of the Conditional Use Permit.

J. In order to ensure adequate lateral support for public roads in the vicinity of mineral extraction operations:

   1. All sand, soil, and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a street right-of-way line.

   2. No blasting shall be used as a means of soil and mineral extractions in any zoning district.

   3. Such excavation or quarrying, may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the authority charged with maintenance of such platted street, road, or highway.

K. All excavations of gravel, soil, or sand shall either be made to a depth not less than 5 feet below a water-producing level or graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.

L. The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical, with a minimum of 6 feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.

M. Whenever the floor of a quarry is greater than 5 feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely closed by a mound of earth not less than 6 feet in height and planted with suitable landscaping, or a fence shall be sufficient in either case to prevent persons from trespassing on the property and shall be subject to approval by the BZA. Such mound shall be located not less than 25 feet from any street right of way or boundary of the

quarry property. Such barriers may be excluded where deemed unnecessary by the BZA because of the presence of a lake, stream, or other existing barrier.

N. When any quarrying has been completed, such excavated area shall be left as a permanent spring fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.

O. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the BZA to conduct a mineral extraction operation, as herein provided shall furnish a reclamation plan and performance bond to the Clerk of Washington Township, Auglaize County, Ohio. The amount of the performance bond shall be based on an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Washington Township Trustees depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant in restoring, reclaiming, and rehabilitating such land, shall be completed within a reasonable time and to the satisfaction of the BZA meet the requirements of this Section.

P. The reclamation plan for the extracted area shall contain at a minimum the following information:

1. A map at a scale of 1 inch equals 100 feet showing the existing contours at intervals of 5 feet or less, any existing buildings or structures, and any public utilities or easements on the property.

2. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operation, but which in no event need be more than 18 inches.

3. The angle of slope of all earthen banks, which shall be no greater than 1 foot vertical to 3 feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.

4. The angle of slope of all banks consisting of rock and the required cover.

5. The location of fences or effective plantings in those locations where the BZA determines that such angles of slope are not physically or economically feasible to reduce.

6. The number of trees and shrubs, and the type ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, or legume to plant shall be determined in consultation with the Auglaize County Agricultural Extension Agent.

7. The location of proposed ultimate land uses, and physical improvements such as roads, drives, and drainage courses, utilities and other improvements as determined in consultation with the Regional Planning Commission of Auglaize County, the County Engineer, the Sanitary Engineer, and the Zoning Commission.

8. A statement that 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 said reclamation area where the same is not submerged under water.

9. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater intervals of 5 feet.

1129.26 <u>Ponds</u>

A. Ponds shall be permitted in any district.

B. A pond may not be located on a parcel containing less than 2.5 acres.

C. A pond may not be located within 50 feet of any well or septic system.

D. Ponds shall observe 50' setbacks from all property lines and rights-of-way.

E. A pond shall contain a minimum of a 1/3 acre of water surface area and shall maintain a minimum depth of 10 feet at its deepest point to avoid stagnation of pond water.

F. All grading, berming, or mounding of a pond shall be constructed to avoid soil erosion occasioned by wind or water.

G. Grading, berming, or mounding of a pond shall be so constructed to avoid surface water runoff onto adjacent property and constructed in such a way as to be mowable.

H. Ponds shall maintain an adequate overflow that discharges excess water into a draining tile and/or drainage ditch.

I. Any pond designed or used as a source of potable drinking water shall be approved by the Auglaize County Health Department.

K. Prior to any construction activity, a pond plan, shall be submitted to the Zoning Inspector for approval and issuance of a Zoning Permit upon compliance with all requirements for ponds in this Section.

L. Setbacks shall be measured from the property line to the edge of the pond. The edge of the pond is the point where the grade approaching the pond changes either higher or lower than the original elevation for the area before pond construction began. If no grade change occurs, the edge of the water when the pond is filled to normal capacity shall determine the edge of the pond.

M. All ponds require a Zoning Permit.

1129.27 <u>Flood Plain Controls</u>

A. Those areas designated as flood plains by the Auglaize County Engineer shall be mapped and superimposed on the Zoning District Map to delineate the flood plain as it relates to each district it crosses.

B. Structures where human habitation may be provided, for either a place of residence or employment, shall not be permitted on a flood plain.

C. The following uses shall be permitted to occur within flood plains:

1. Grade level parking on the open portion in any use district within which a flood plain is located, provided no structure is built thereon.

2. A flood plain may be used for yards, parking areas, and for computing density in Residential Districts.

3. Temporary uses may be permitted by the Zoning Commission in conformity with requirements relative to the granting of temporary permits, provided that a structure shall not be permitted on a flood plain.

4. Any construction, filling, or excavation in the flood plain shall be reviewed by the Zoning Commission and when approved shall be so designed, constructed, and placed on the lot or parcel so as not to decrease the rate and volume of the flow of water and the storage volume of the entire flood plain, and be fixed to the site to withstand the force of flood waters.

5. Topographic data, engineering studies, or other studies needed to determine the effects of flooding on a proposed filling or excavation or the effect of same on the flow of water shall be submitted by the applicant.

1129.28 <u>Erosion Control/Landscaping Requirements</u>

Within 1 year of the completion of any residential or commercial structure, the owner/occupant shall cause appropriate landscaping to be completed within the 1-acre area adjacent to and surrounding the structure.

1131.00 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

1131.01 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing it with the Zoning Inspector, who shall within 20 days transmit it to the BZA. Such application at a minimum shall contain the following information:

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

B. Locational description of the property.

C. Zoning district.

D. Description of existing use.

E. Description of proposed conditional use.

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

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

H. A fee as established by the Township Trustees.

I. A narrative addressing each of the applicable criteria contained in the following section, General Standards For All Conditional Uses.

1131.02 General Standards For All Conditional Uses

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

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

B. Will be in accordance with the general objectives, or with any specific objective, of Washington Township's Comprehensive Plan and/or the Zoning Code;

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

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

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

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

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

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

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

J. Will otherwise be in conformance with all other sections of this ordinance.

1131.03 <u>Action by the Board of Zoning Appeals</u>

Within 30 days after the date of the public hearing provided in Section 1131.05, the BZA shall take one of the following actions:

A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the BZA shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the BZA for approval.

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

information and/or modifications which are deemed necessary. Make a written finding that the application is denied and specify the reason(s) for disapproval.

1131.04 Additional Criteria

A. Additional Conditions

The BZA may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the BZA's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

B. Supplemental Conditions and Safeguards

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

C. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 30 days of the date on which the permit was issued, or if for any reason such use shall cease for more than 1 year.

1131.05 Public Hearing

A public hearing shall be held by the BZA in considering an application for a Conditional Use Permit.

The BZA shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

1131.06 Notice of Public Hearing in Newspaper

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in Washington Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

1131.07 Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such grant of a Conditional Use Permit. The notice shall contain the same information as required in Section 1135.06 Notice of Public Hearing in Newspaper.

1131.08 Procedure and Requirements to Determine that a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in this Zoning Code, the Zoning Inspector will make a determination, if the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Code. If Zoning Inspector finds that a use is substantially similar to a specific use listed in this Zoning Code, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

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

A. The compatibility of the proposed use with the general use classification system as specified in this Zoning Code.

B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Zoning Code as being permitted, or in the case of a conditional use, conditionally permitted, in that district.

C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Code.

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

If the Zoning Inspector determines that a proposed use is not substantially similar, such determination can be appealed to the BZA. If the Zoning Inspector determines that a proposed use is substantially similar, such determination can also be appealed to the BZA by other affected or interested parties.

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as

listed in the Zoning Code, the use listed in the Zoning Code about which the determination of substantial similarity was made, and the dates of any actions thereupon. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

1133.00 NONCONFORMITIES

1133.01 Intent

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

1133.02 Uses Under Conditional Use Provisions, Not Nonconforming Uses

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

1133.03 Incompatibility of Nonconformities

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

1133.04 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been

substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

1133.05 Substitution of Nonconforming Uses

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

1133.06 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in this Zoning Code, other than lot area or lot width, shall be obtained only through action of the BZA as described in Section 1141.00 Appeals and Variances.

1133.07 Nonconforming Lots of Record in Combination

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

1133.08 Nonconforming Uses of Land

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

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

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

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

1133.09 Nonconforming Structures

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

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements. (See Illustration – Exhibit "D" Section 1123.00 Definitions.)

B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1133.10 Nonconforming Uses of Structures or of Structures and Land in Combination

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

A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or

structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

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

C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the BZA, be changed to another nonconforming use provided that the BZA shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code.

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

1133.11 Termination of Nonconformities

A. Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than 1 year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. Use by Damage or Destruction

Any non-conforming use of a building or structure which has been damaged or destroyed may be reconstructed as it previously existed prior to the damage or destruction. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. A Zoning Permit pertaining to such restoration shall be applied for and issued within 1 year of such damage or destruction, and rebuilding shall be diligently pursued to completion. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of this Zoning Code

1135.00 OFF-STREET PARKING AND LOADING FACILITIES

1135.01 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

1135.02 General Parking Requirements

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

1135.03 Off-Street Parking Design Standards

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

A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.

B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:

   1. For a single-, two-, or three-family residential dwelling, the access drive shall be a minimum of 10 feet in width.

   2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.

   3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

C. Setbacks: In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass

area is located between the parking area and the street right-of-way, and that 1 tree for every 30 feet of frontage is planted in this grass area.

D. Screening: In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with Section 1129.05 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.

E. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of Auglaize County Design Criteria and Construction Standards and Drawings.

F. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

G. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.

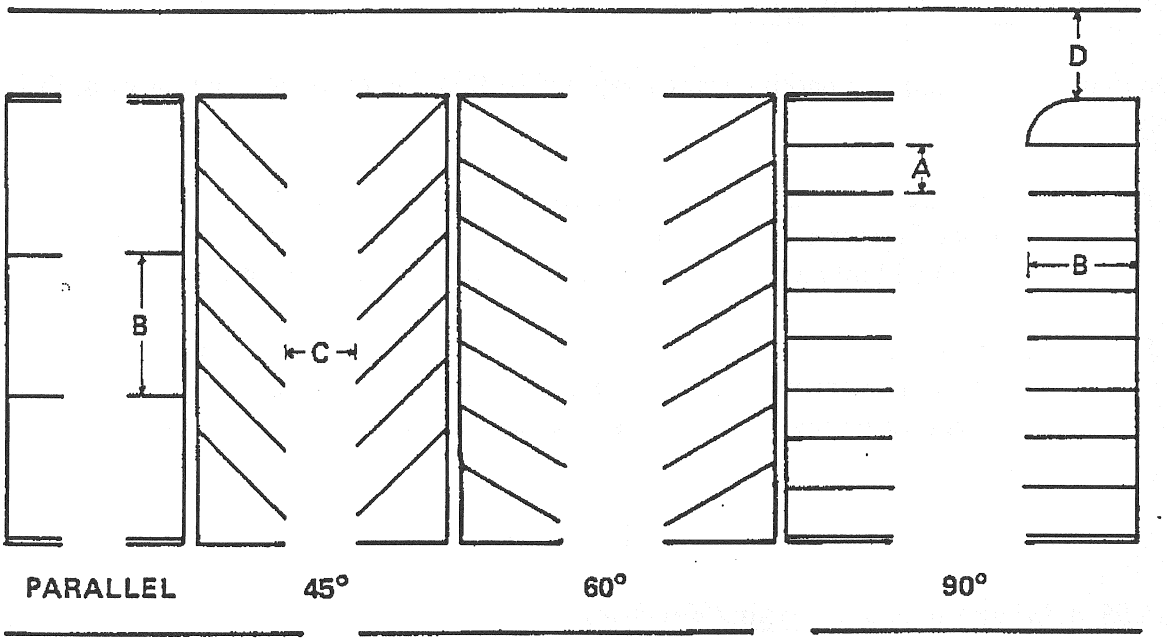
H. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.

I. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.

J. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

K. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.

L. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

1135.04 Determination of Required Spaces

In computing the number of parking spaces required by this Zoning Code, the following shall apply:

A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.

B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 24 lineal inches of benches or pews, except where occupancy standards are set by the fire marshal.

C. Fractional numbers shall be increased to the next whole number.

1135.05 Joint or Collective Parking Facilities

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

A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.

B. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

1135.06 Off-Street Storage Areas for Drive-In Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

A. Restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five storage spaces per pick-up facility. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.

B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.

C. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

1135.07 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the BZA. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

A. Residential Uses

1. Single-family detached dwellings: three spaces per dwelling unit.

2. Two-family dwellings: three spaces per dwelling unit.

3. Multi-family dwellings: three spaces per dwelling unit.

4. Mobile Home Courts: three spaces per mobile home site, plus one space per each five mobile home sites for guest parking.

B. Institutional and Public Uses

1. Elementary and Junior High Schools: one space per employee, plus one space per two classrooms.

2. High Schools: one space per employee, plus one space per six students at capacity.

3. Places of Worship: one space per four seats at maximum capacity of the main sanctuary.

4. Public Offices and Public Buildings: one space for every 250 square feet of gross floor area.

5. Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes: one space per three beds, plus one space for each staff and employee on the largest work shift.

6. Community centers, libraries, museums, and other establishments of historical, educational, and cultural interest: one space per 250 square feet of gross interior floor area, plus one space per employee on the largest work shift.

7. Child daycare centers: one space per employee, plus one space per five children at capacity, plus a drop-off area as determined by the Public Works Director.

8. Hospitals: one space for every two beds, plus one space for each staff and employee on the largest work shift.

C. Business and Professional Offices

1. Business, Professional, and Administrative Offices and Offices for Professional Associations: one space per 300 square feet of gross floor area, but not less than two spaces per office.

2. Medical Offices and Clinics: three spaces per treatment or examination room or chair, plus one space per staff and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. Financial establishments, Banks, and Savings and Loan Associations: one space per 200 square feet of gross floor area, plus one space per employee on the largest work shift, plus five off-street waiting spaces per drive-in window or drive-through teller machine.

2. General Merchandise Stores: one space for each 150 square feet of gross floor area used for sales and display and one space for every 250 square feet of storage, warehouse, and office area.

3. Restaurants: one space per 100 square feet of gross floor area, plus one space per employee on the largest work shift.

4. Automobile Service Stations and Automobile Repair, Painting, and Body Shops: two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.

5. Automobile Washing Facilities: one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or five off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.

6. Convenience Food Stores, Carry-Outs, Mini-Markets: one and one-half spaces for every 200 square feet of floor area, plus one space for each employee.

7. Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines: one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.

8. Fraternal and Social Associations, Dance Halls, Bingo Halls and Private Clubs: one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.

9. Restaurants, Fast Food: one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.

10. Bars, Taverns, and Nightclubs: one space for each three persons of capacity, plus one space for each employee on the largest work shift.

11. Vehicle Sales, Rental, and Service: one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.

12. Animal Hospitals and Veterinary Clinics: three spaces for each treatment area, plus one space for each staff and employee.

13. Commercial Schools and Studios: one space for every three students at capacity and one space for each employee.

14. Funeral Homes and Mortuaries: one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.

15. Home Furnishings and Home Improvement Stores: one space for each 400 square feet of indoor and outdoor sales and display area and one space for each 800 square feet of office, storage, and warehouse area.

16. Nurseries and Garden Supply Stores: one space for each employee on the largest shift, one space for each 200 square feet of gross floor area of inside sales or display, and one space for each 1,000 square feet of exterior sales and display area.

17. Business and Cleaning Services: one space for every 300 square feet of sales and office area, plus one space for every employee on the largest work shift, plus one space for every company or service vehicle regularly stored on the premises.

18. Bowling Alleys: five spaces for each alley, plus any additional spaces required for a bar, restaurant, or accessory structure.

19. Dance, Bingo, Assembly, and Exhibition Halls: one space for every 50 square feet of floor area.

20. Game Rooms and Pool Halls: one space for every two patrons at a maximum capacity, plus one space for every two employees on the largest work shift.

21. Miniature Golf: one and one-half spaces per hole, plus one space per employee on the largest work shift.

22. Theaters and Concert, Meeting, and Banquet Halls: one space for every two and one-half seats at capacity.

23. Hotels and Motels: one space per room or suite, plus one space for every three employees on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory structures (e.g. restaurants and bars).

E. Industrial Uses

1. Manufacturing Industry and Warehouse: one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises. Land must be available for possible future parking lot requirements at a minimum of one space for each 1,000 square feet of floor area.

2. Self-Service Storage Facilities: one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.

3. Wholesaling and Storage Facilities: one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.

4. Construction Trades, Contractor Offices, and Industrial Craft Shops: one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.

5. Lumberyards and Building Materials; Sales and Storage: one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.

6. Heavy Equipment Rental, Sales, Service, and Storage: one space for every 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

1135.08 Handicapped Parking

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

Total Spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus 1 per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

1135.09 Off-Street Loading Space Requirements

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

1135.10 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.

B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with Section 1129.05 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.

C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.

E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of Auglaize County Design Criteria and Construction Standards and Drawings.

F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

1137.00 SIGNAGE

1137.01 Intent

The intent of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor billboards, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of Washington Township, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance Washington Township development by permitting signs which are compatible with their surroundings.

1137.02 Governmental Signs Excluded

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

1137.03 General Requirements for All Signs and Districts

The regulations contained in this Section shall apply to all signs and all zoning districts.

A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This item and item "A" shall not apply to any sign performing a public service function indicating time, temperature, or similar services.

C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building and electrical codes.

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

E. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1137.06 Temporary Signs.

F. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices if the use of such materials are determined to create a traffic hazard.

G. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface.

H. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

I. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

J. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.

K. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with any applicable building code.

L. All signs shall be so constructed and supported that they will withstand a wind pressure of at least 30 pounds per square foot of surface, and will be otherwise structurally safe.

M. No sign of any kind shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.

N. No sign shall be attached in such manner that it may interfere with any required ventilation openings.

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

P. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires or as established in the National Electrical Safety Code, whichever standard is greater.

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

1137.04 Permit Required

A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a Zoning Permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this Section.

B. A sign initially approved for which a permit has been issued shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Permit.

1137.05 Signs Permitted in All Districts Not Requiring a Permit

The following signs shall be permitted in all districts without the required permit:

A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential zoning districts where the area of the sign shall not be more than 6 square feet.

B. Professional nameplates shall not exceed 4 square feet in area.

C. Signs denoting the name and address of the occupants of the premises, not to exceed 2 square feet in area.

D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, schools, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.

E. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

1137.06 Temporary Signs

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the engineer, the builders, or contractors may be erected for a period of 60 days plus the construction period. Such signs shall comply with all requirements of this Zoning Code.

1137.07 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within 48 hours following election day.

1137.08 Measurement of Sign Area

The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or housing.

1137.09 Business Signs

No exterior business sign shall be erected unless it is accessory to a permitted use in the district in which the lot or parcel is located. All business signs shall be classified as one of the following: an attached sign, a detached sign, an architectural canopy sign, or an enter/exit sign.

A. Attached Signs are signs which are physically attached to a building or fixed awning. (See Illustration – Exhibit E.)

   1. The total area of all attached signs shall not exceed in the aggregate 1 square feet of area for each linear foot of lot width.

   2. An attached sign shall project not more the 4 feet horizontally from a building facade.

   3. An attached sign shall project not more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof.

   4. An attached sign may project downward from a fixed awning only so far as shall allow 9 feet of vertical clearance from the ground to the bottom of the sign.

B. Detached Signs are signs which are not attached to a building, advertise an on-premises business or activity, and are 25 feet or less in height. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure per lot with street frontage. (See Illustration – Exhibit G.)

1. Shall not be located on or project over any right-of-way or required setbacks;

2. Shall not be larger than 100 square feet in area based on one side;

3. Shall not be higher than 25 feet in height;

4. Shall not obstruct or adversely affect vision clearance or traffic visibility;

5. Shall not be closer than 25 feet to the adjacent lot; and

6. Of a portable or temporary nature may be permitted in addition to permanently mounted detached signs, subject to the following provisions:

   a) All portable and/or temporary signs shall comply with Section 1137.06 Temporary Signs and no such sign shall be permitted in the right-of-way of any street or alley.
   b) The area of portable or temporary signs shall not exceed 50 square feet in area.
   c) Not more than one portable or temporary sign shall be permitted for an individually-owned lot.
   d) It shall be the applicant's or owner's responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
   e) The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
   f) Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.

C. Architectural Canopy Signs are signs which are attached to a building with the message integrated into the canopy surface. (See Illustration – Exhibit F.)

1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with attached signs, the total area of all signage shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.

2. In applying sign area limits, only the area occupied by the sign message will be used. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia.

3. An architectural canopy sign shall project not more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.

4. An architectural canopy sign shall have a minimum clearance of 9 feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.

5. Architectural canopy signs shall be limited to single-story buildings or to the first level only of multi-story buildings, unless otherwise authorized by the BZA.

6. Overall height should not exceed 3 feet above the average height of the roofline or the parapet wall of the building to which it is attached, and should not exceed the allowable building height for that zoning district.

7. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the structure.

8. When an electric awning sign covers multiple store fronts, each store or tenant shall be allowed copy space no more than 80% of their store width in order to maintain adequate separation of tenant spaces.

D. Enter/Exit Signs may be permitted in addition to detached business signs, subject to the following provisions:

1. All enter/exit signs shall comply with Section 1137.05 Signs Permitted in All Districts Not Requiring a Permit and no such sign shall be permitted in the right-of-way of any street or alley.

2. The area of enter/exit signs shall not exceed 2 square feet in area.

3. Not more than one enter sign and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and one additional exit sign provided there is an access to the public street on both street frontages.

4. No lettering or sign message other than "enter" or "exit" shall be permitted. The use of logos may be permitted if approved by the BZA.

5. The maximum height for an enter/exit sign shall be 3 feet and such signs shall not obstruct or adversely impact traffic visibility.

1137.10 Attached Signs Pertaining to Nonconforming Uses

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same

premises of such use, provided the area of such sign does not exceed 12 square feet.

1137.11 Sign Setback Requirements

Except as otherwise provided in this Section, signs, where permitted, shall be set back from the established right-of-way line of any street at least 12 feet.

A. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or drive intersections. Temporary real estate signs shall be a maximum of 10 square feet.

B. On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 10 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 10 feet, the latter shall apply.

1137.12 Maintenance

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises billboards or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. Failure to comply shall be deemed a violation and shall be punishable under Section 1145.13 Penalties and Fines.

1137.13 Nonconforming Signs and Structures

Billboards and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

1137.14 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Zoning Code or be removed, if the sign structure is altered; or if it is enlarged, relocated, replaced, or damaged; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements.

1137.15 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the property owner thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with such notification shall be deemed a violation of this Zoning Code. Any signs erected in the right-of-way may be removed by the Zoning Inspector.

1137.16 Abandoned Signs

A sign shall be considered abandoned:

A. When the sign is associated with an abandoned use.

B. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least 90 consecutive days.

C. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered are not effected within the specified time.

D. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector shall issue an order for the sign to be removed within 30 days. Any abandoned sign still standing after 30 days following an order for removal by Washington Township shall be deemed a violation and shall be punishable under Section 1145.13 Penalties and Fines.

1139.00 AMENDMENTS

1139.01 Intent

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

1139.02 Initiation of Zoning Amendments

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

A. By a motion of the Zoning Commission.

B. By the adoption of a resolution by the Trustees referring any amendment to Zoning Commission for recommendation.

C. By the filing of an application by one or more of the owners or lessees of the affected property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

1139.03 Contents of Application for Zoning Map Amendment

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

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

B. Present use.

C. Present zoning district.

D. Proposed zoning district.

E. A vicinity map at a scale showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.

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

G. A list of all property owners and their mailing addresses, as appearing on the Auglaize County Auditor's current tax list, who are within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted.

H. A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan.

I. A fee as established by the Township Trustees.

1139.04 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

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

B. The text of the proposed amendment.

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

D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.

E. A fee as established by the Township Trustees.

1139.05 Action by the Zoning Commission

Within 5 days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission. The County or Regional Planning Commission shall either:

A. Recommend the approval of the proposed amendment.

B. Recommend the approval of the proposed amendment with some modification thereof.

C. Recommend denial of the proposed amendment.

This recommendation shall be submitted to the Township Zoning Commission to be considered at a public hearing.

1139.06 Public Hearing by the Zoning Commission

The Zoning Commission shall hold a public hearing for not less than 20 nor more than 40 days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.

A. Notice of Public Hearing

Prior to holding the public hearing required, notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of such hearing.

1. If the proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten parcels of land as listed on the Auglaize County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in Ohio Revised Code 519.12(D).

2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land listed on the Auglaize County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in Ohio Revised Code 519.12(C), inclusive.

B. Notice to Parties of Interest

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, written notice of the hearing shall be mailed by first class mail by the Zoning Commission, at least 10 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Auglaize County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. Published and mailed notices shall set forth the time, date, and place of the public hearing and shall include those requirements of Ohio Revised Code 519.12(C).

1139.07 <u>Action by the Zoning Commission</u>

The Township Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

1139.08 <u>Public Hearing by Board of Township Trustees</u>

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.

A. Notice of Public Hearing

Notice of such public hearing shall be given by the Board of Township Trustees by one publication in one or more newspapers of general circulation in the Township, at least 10 days before the date of such hearing.

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels, of land as listed on the Auglaize County Auditor's current tax list, the published and mailed notice shall set forth the time, date, and place of the public hearing and shall include those requirements set forth in Ohio Revised Code 519.12(F).

2. If the proposed amendment alters the text of the Zoning Resolution or rezones for redistricts more than ten parcels of land as listed on the Auglaize County Auditor's current tax list, the published notice shall set forth the time, date, and place of public hearing and shall include those requirements set forth in Ohio Revised Code 519.12(G).

B. Action by the Board of Township Trustees

Within 20 days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees shall be required.

C. Effective Date

If the amendment to the Zoning Resolution is adopted by the Board of Township Trustees, such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption, unless within 30 days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition signed by a number of registered electors residing in the unincorporated area of the Township affected by the amendment or part thereof included in the zoning plan. The number of registered electors must be equal to, but not less than, 8% of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section (Ohio Revised Code 519.12(H) inclusive), each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

1141.00 APPEALS AND VARIANCES

1141.01 Intent

Appeals and variances shall conform to the procedures and requirements of this Zoning Code. The BZA has appellate jurisdiction relative to appeals and variances.

1141.02 Administrative Appeals

A. Appeals to the BZA concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of Washington Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the BZA, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.

B. A record capable of transcription and containing all documents presented as evidence or utilized by the BZA shall be made of any hearing held under this section.

1141.03 Variances

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

1141.04 Application and Standards for Variances

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

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

B. Legal description of property.

C. Description or nature of variance requested.

D. A fee as established by Township Trustees.

E. A list of all property owners and their mailing addresses who are within 200 feet of the parcel requesting variance.

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

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

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

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

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

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

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

1141.05 Additional Conditions and Safeguards

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

1141.06 Public Hearing by the Board of Zoning Appeals

The BZA shall hold a public hearing within a reasonable time after the receipt of an application for an appeal or variance from the Zoning Inspector.

1141.07 Notice of Public Hearing in Newspaper

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

1141.08 Notice to Parties of Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such action. The notice shall contain the same information as required in Section 1141.07 Notice of Public Hearing in Newspaper.

1141.09 Action by Board of Zoning Appeals

Within a reasonable time after the public hearing, the BZA shall either approve, approve with supplemental conditions as specified in Section 1141.05 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The BZA shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

1141.10 Term of Variance

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

1143.00 ADMINISTRATION

1143.01 Intent

The intent is to set forth the powers and duties of the Zoning Commission, the BZA, the Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Zoning Code.

1143.02 General Provisions

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within Washington Township government:

A. Trustees
B. Zoning Commission
C. Board of Zoning Appeals
D. Zoning Inspector

1143.03 Zoning Inspector

A Zoning Inspector designated by the Trustees shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Trustees may direct.

1143.04 Responsibilities of the Zoning Inspector

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

A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.

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

C. Issue Zoning Permits as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.

D. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of the Zoning Inspector's refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Zoning Inspector's request to the BZA.

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

F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Washington Township offices.

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

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

I. Review site plans pursuant to this Zoning Code.

J. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

1143.05 Duties of the Zoning Commission

A. The Board of Township Trustees shall appoint a Zoning Commission, in accordance with the Ohio Revised Code. The Zoning Commission shall organize in January of each year and elect a Chairman, Vice-Chairman, Secretary, and other officers they deem appropriate to their function. It may further adopt rules for its own government not inconsistent with law or any other Zoning Code of Washington Township, in order to carry into effect the provisions of this Zoning Code.

B. Meetings

All meetings of the Zoning Commission shall be held at the call of the Chairman, and at such times as the Commission may determine. The Secretary shall keep minutes of the proceedings, showing the vote of each member on each question. Three members of the Zoning Commission shall constitute a quorum for the conduct of its business, and the concurring vote of at least three members shall be necessary to decide any matter before the Commission. All hearings by the Zoning Commission shall be open to the public.

C. Powers and Duties

In addition to the powers and duties conferred upon the Zoning Commission by the Ohio Revised Code, the Zoning Commission, under this Zoning Code, shall also have the following powers, duties, and jurisdiction:

1. Rule upon and decide any issue where this Zoning Code requires Zoning Commission review and/or approval.

2. Submit recommendations to the Township Trustees regarding any and all proposals for amendments to this Zoning Code.

1143.06 Duties of the Board of Zoning Appeals

The Board of Township Trustees shall appoint a Board of Zoning Appeals in accordance with the Ohio Revised Code.

The BZA shall organize in January of each year to elect a Chairman and Vice-Chairman. The BZA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Zoning Code, but does have power to act on those matters where this Zoning Code provides for an administrative review, interpretation, exemption, or special approval permit and to authorize a variance as defined in this Section. The BZA has the following specific responsibilities:

A. Meetings

All meetings of the BZA shall be held at the call of the Chairman and at times determined by the BZA. All hearings conducted by the BZA shall be open to the public. The Zoning Inspector, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three members of the BZA shall constitute a quorum for the conduct of its business. The BZA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it. The BZA shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Zoning Code.

B. Administrative Review

To hear and decide appeals where it is alleged by the appellant that here is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Zoning Code.

C. Variance

To authorize, upon an appeal, a variance from the strict application of the provisions of this Zoning Code where by reasons of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Zoning Code, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Code. In granting a variance, the BZA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Zoning Code. In granting a variance, the BZA shall state the grounds upon which it justifies the granting of a variance.

D. Exceptions and Special Approvals

To hear and decide in accordance with the provisions of this Zoning Code, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Zoning Code specifically authorizes the BZA to pass. Any exception or special approval shall be subject to such conditions as the BZA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Zoning Code, including the following:

1. Interpret the provisions of this Zoning Code in such a way as to carry out the intent and purpose of the plan, as shown on the Zoning Map fixing the use districts, accompanying and made part of this Zoning Code, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

2. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Zoning Commission.

3. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise to appropriately improved without such modification.

4. Permit temporary buildings and uses for periods not to exceed 2 years in undeveloped sections of the Township and for periods not to exceed 6 months in developed sections, with the granting of 2-year and 6-month extensions being permissible.

5. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of a

12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The BZA, in granting permits for the above temporary uses, shall do so under the following conditions:

a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

c) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Washington Township, shall be made at the discretion of the BZA.

d) In classifying uses as not requiring capital improvement, the BZA shall determine that they are either demountable structures related to the permitted use of the land, recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

e) The use shall be in harmony with the general character of the district.

f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place a public hearing is to be held as further provided for in this Zoning Code. Further, the BZA shall seek the review and recommendation of the Zoning Commission prior to taking of any action.

E. In consideration of all appeals and all proposed variations to this Zoning Code, the BZA shall, before making any variations from the Zoning Code in a specific case, first determine that the proposed variation will not impair adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Washington Township. The concurring vote of three members of the BZA shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Zoning Code to render a decision.

1143.07 Trustees

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

A. Approve the appointments of members to the Zoning Commission by the Trustees.

B. Approve the appointments of members to the BZA by the Trustees.

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

D. Override a recommendation of the Zoning Commission provided that such legislative action is passed by a unanimous vote.

1143.08 Township Trustee Duties

The Washington Township Trustees shall:

A. Appoint members to and fill vacancies in the Zoning Commission;

B. Appoint members to and fill vacancies in the BZA;

C. Initiate or act upon suggested amendments to this Zoning Code or the Official Zoning Map;

D. If necessary, and as provided by law, repeal this Zoning Code in part or in its entirety;

E. Override, but only by unanimous vote, a written recommendation of the Zoning Commission as to a text or map amendment or interpretation;

F. Establish fees as provided in Section 1143.09 Schedule and Payment of Fees.

1143.09 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees for the following shall be set by the Washington Township Trustees under a separate resolution.

- Application for a Conditional Use Permit
- Application for Zoning Permit
  - Single-Family Residential
  - New Multi-Family Construction
  - Commercial and Industrial
  - Accessory Structures (attached and detached), Swimming Pools, Ponds
- Home Occupation Permit
- Sign permit (not including political)
- Application for Variance
- Administrative Appeal
- Application for Amendment to Zoning Map (Rezoning)
- Application for Temporary Use Permit

All fees shall be paid by cash or check and shall not be refundable.

1145.00 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

1145.01 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

1145.02 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory structure, sign, or swimming pool be installed without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the BZA deciding an appeal, conditional use, or variance as provided by this Zoning Code.

1145.03 Recommended Contents of Application for Zoning Permits

The Application for Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 2 years. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

A. Name, address, and phone number of owner.

B. Legal description of property or lot number and must include directions to the nearest state highway.

C. Existing use.

D. Proposed use.

E. Zoning District.

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

G. Building heights.

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

I. Location and design of access drives.

J. Number of dwelling units.

K. Signage information, if applying for a Zoning Permit for a sign.

L. If applicable, the approved Conditional Use Permit, or a Temporary Use Permit, or variance.

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

N. Site plan in triplicate to the required contents stated in Section 1145.04 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.

O. Plans showing that the residential unit meets the residential design and appearance standards in Section 1129.16 Residential Design and Appearance Standards.

P. Detention basin information.

Q. Flood Zone information.

R. Type of dust-free, hard surface.

1145.04 <u>Site Plan Required Contents</u>

A site plan submission shall contain all of the following when deemed to be reasonably appropriate by the Zoning Inspector:

A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.

B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Auglaize County Engineer, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.

C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or

proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with Auglaize County Design Criteria and Construction Standards and Drawings.

E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),

F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Washington Township storm water runoff, erosion, and sediment control specifications found in Auglaize County Design Criteria and Construction Standards and Drawings.

G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.

H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.

I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Auglaize County Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.

J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.

K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Auglaize County Subdivision Regulations.

1145.05 <u>Approval of Zoning Permit</u>

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and

completed within 2 years. One copy of the permit shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by the Zoning Inspector's signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

1145.06 Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a punishable violation of this Zoning Code as defined in Section 1145.13 Penalties and Fines.

1145.07 Construction and Use to be as Provided in Applications, Plans, and Permit

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

1145.08 Entry and Inspection of Property

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

1145.09 Stop Work Order

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

1145.10 Zoning Permit Revocation

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

1145.11 Complaints Regarding Violations

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

1145.12 Notice of Violation

Whenever the Zoning Inspector or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

A. Identify the violation.

B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.

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

Service of notice of violation shall be as follows:

A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

B. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record.

1145.13 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum allowable by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

1145.14 Additional Remedies

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

RESOLUTION

(Adopting Amendments/Revisions to the Washington Township Zoning Resolution)

WHEREAS the Zoning Commission of Washington Township has recommended the approval of amendment to the Washington Township Zoning Resolution; proposing amendments which would provide definitions and regulations for small wind turbines in the township; and

WHEREAS, the Washington Township Trustees set June 1, 2011 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on May 19, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Washington Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* *

The foregoing Resolution was duly adopted at a duly called meeting of the Washington Township Board of Trustees held on June 14, 2011.

David Bambauer (signature)
David Bambauer, Fiscal Officer
Washington Township

0
Filed for Record in
AUGLAIZE COUNTY, OHIO
ANN BILLINGS, COUNTY RECORDER
06-24-2011 At 10:55 am.
AMEND ZONE 20.00

RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Washington Township Zoning Commission to amend/revise the Washington Township Zoning Resolution the proposed amendments to provide definitions and regulations for small wind turbines in the township; and

WHEREAS, a Public Hearing was held on Tuesday, May 10, 2011 at 7:00 p.m. in the Washington Township House, 101 South Main St. New Knoxville, Ohio, 45871 after publication in the St. Marys Evening Leader on April 25, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendments/revisions, attached hereto, are hereby adopted and the same are hereby ordered forwarded to the Washington Township Board of Trustees for further action.

* *

CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Washington Township Zoning Commission on May 10, 2011 following Public Hearing pertaining to the same.

Dated this 10th day of May 2011.

David C. Schroeter

Chairman, Zoning Commission

PROPOSED AMENDMENTS
TO THE
WASHINGTON TOWNSHIP ZONING RESOLUTION

PROPOSED CHANGE BY ADDITIONAL SECTION OF TEXT

1129.29 SMALL WIND TURBINES

(A) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS ARE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW.

(B) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE ALLOWED ON PARCELS ONE (1) ACRE OR GREATER IN SIZE.

(C) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL SERVICE ONLY ONE STRUCTURE PER PARCEL.

(D) A SMALL WIND ENERGY PROJECT, INCLUDING TOWER, SHALL COMPLY WITH ALL APPLICABLE STATE CONSTRUCTION AND ELECTRICAL CODES, AND THE NATIONAL ELECTRIC CODE.

(E) THE OWNER OF A SMALL WIND TURBINE OR OTHER WIND-POWERED GENERATOR MUST TAKE REASONABLE STEPS TO PREVENT AND ELIMINATE ANY INTERFERENCE WITH THE TRANSMISSION AND RECEPTION OF ELECTROMAGNETIC COMMUNICATIONS, SUCH AS MICROWAVE, RADIO, TELEPHONE, OR TELEVISION SIGNALS.

(F) SMALL WIND TURBINE OR OTHER WIND-POWERED GENERATORS MUST BE ON A FREESTANDING TOWER OR OTHER APPROVED REINFORCED STRUCTURE. THE USE OF ADDITIONAL SUPPORTS INCLUDING GUY WIRES IS SUBJECT

TO ALL OTHER REGULATIONS PROVIDED WITHIN THIS RESOLUTION.

(G) THE APPLICANT SHALL PROVIDE PROOF OF NOTIFICATION TO ADJACENT PROPERTY OWNERS AS REQUIRED BY OHIO REVISED CODE SECTION 519.211 (TELECOMMUNICATION TOWERS) AND SHALL CONFORM TO ORC 519.213.

(H) A MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PROTRUDING BLADES IS 15 FEET AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES TO A POINT NO LOWER THAN THE AVERAGE GRADE IN AND AROUND THE IMMEDIATE TOWER AREA.

(I) THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL MAINTAIN A CLEAR FALL ZONE OF NO LESS THAN 110% OF THE TOTAL HEIGHT OF THE STRUCTURE FROM ANY PROPERTY LINE, CURRENT OR FUTURE STRUCTURE, AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.

(J) SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS, NO PART OF THE WIND SYSTEM STRUCTURE, INCLUDING GUY WIRE ANCHORS IF APPLICABLE, SHALL BE CLOSER THAN TWENTY (20) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.

(K) ON PARCELS ZONED TO PERMIT RESIDENCES, THE SIZE OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND POWERED GENERATOR:

PARCEL SIZE	MAXIMUM TOWER HEIGHT
1 TO 4.9 ACRES	60 FEET
5 TO 9.9 ACRES	80 FEET
10 TO 14.9 ACRES	100 FEET
15 ACRES PLUS	125 FEET

(L) ON PARCELS WHERE RESIDENTIAL USES ARE NOT PERMITTED, SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR:

PARCEL SIZE	MAXIMUM TOWER HEIGHT
1 TO 4.9 ACRES	80 FEET
5 ACRES PLUS	125 FEET

(M) RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL ROOF TOP AND OR COMBINATION UNITS (UTILITY LIGHTS WITH GENERATORS ETC.) MAY BE APPROVED SO LONG AS NO ASPECT OF THE MAXIMUM TOWER HEIGHT IS EXCEEDED AS STATED ABOVE.

(N) SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR TOWERS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION. IF LIGHTING IS REQUIRED, THE APPLICANT SHALL PROVIDE A COPY OF THE FAA DETERMINATION TO ESTABLISH THE REQUIRED MARKINGS AND/OR LIGHTS FOR THE STRUCTURE. THE STRUCTURE MUST ALSO ADHERE TO THE NEIL ARMSTRONG AIRPORT ZONING REGULATIONS.

(O) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW. ALL DEVICES WITH A RATED CAPACITY GREATER THAN 50KW SHALL BE PROHIBITED EXCEPT FOR PUBLIC DOMAIN APPLICATIONS PROVIDED FOR BY THE OHIO DEPARTMENT OF PUBLIC UTILITIES.

(P) NOISE GENERATED FROM THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL NOT EXCEED THE LEVELS STATED IN THE ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 1129.15. FAILURE TO ADHERE TO THIS PROVISION SHALL CONSTITUTE AN AUTOMATIC VIOLATION OF THIS RESOLUTION.

(Q) ALL TOWER SUPPORT BASES SHALL BE MADE OF REINFORCED CONCRETE. ANY OTHER PROPOSED CONSTRUCTION METHOD SHALL MEET ALL FEDERAL OR STATE REQUIREMENTS FOR WIND TOWER BASE CONSTRUCTION.

(R) A SMALL WIND TURBINE OR WIND POWERED GENERATOR THAT IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED. THE ZONING INSPECTOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A SMALL WIND TURBINE OR WIND-POWERED GENERATOR THAT IS DEEMED TO HAVE BEEN ABANDONED. THE OWNER SHALL HAVE THE RIGHT TO RESPOND TO THE NOTICE OF ABANDONMENT WITHIN 30 DAYS FROM NOTICE RECEIPT DATE. THE ZONING INSPECTOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND NOTIFY THE OWNER THAT THE NOTICE HAS BEEN WITHDRAWN IF THE OWNER PROVIDES INFORMATION THAT DEMONSTRATES THAT THE SMALL WIND TURBINE OR THE WIND-POWERED GENERATOR HAS NOT BEEN ABANDONED. IF THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR IS DETERMINED TO BE ABANDONED, THE OWNER SHALL REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR AT THE OWNER'S SOLE EXPENSE WITHIN 6 MONTHS OF RECEIPT OF NOTICE OF ABANDONMENT. IF THE

OWNER FAILS TO REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR, THE ZONING INSPECTOR MAY PURSUE A LEGAL ACTION TO HAVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR REMOVED AT THE OWNER'S EXPENSE.

(S) THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL EITHER BE THE STOCK COLOR FROM THE MANUFACTURER OR PAINTED WITH AN APPROVED NON-REFLECTIVE, UNOBTRUSIVE COLOR THAT BLENDS IN WITH THE SURROUNDING ENVIRONMENT.

(T) THE TOWER FOR THE SMALL WIND TURBINE SHALL BE DESIGNED AND INSTALLED SO AS TO NOT PROVIDE STEP BOLTS OR A LADDER READILY ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF 8 FEET ABOVE THE GROUND.

(U) PRIOR TO THE INSTALLATION OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR, A ZONING PERMIT MUST BE OBTAINED. THE APPLICANT SHALL PROVIDE A DETAILED DRAWING OF THE SITE ALONG WITH MANUFACTURER INFORMATION STATING THE SIZE, SHAPE AND CHARACTER OF THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR. INFORMATION SHALL INCLUDE GENERATOR KILOWATT INFORMATION, UNIT DECIBEL CRITERIA, TOWER HEIGHT AND CONSTRUCTION SPECIFICATIONS, SHADOW FLICKER POTENTIAL, FENCING INFORMATION, CLEAR FALL ZONE, LIGHTING PLANS AND LANDSCAPING/BUFFERING PLANS, PLUS ANY OTHER INFORMATION DEEMED NECESSARY BY THE TOWNSHIP. THE COST OF THE ZONING PERMIT SHALL BE AS SET BY THE WASHINGTON TOWNSHIP TRUSTEES AS MANDATED BY SECTIONS 1143.08 AND 1143.09.

New language proposed is indicated by all **CAPITALS** and **BOLD** print. Deleted language is indicated by ----------.

RESOLUTION

(Adopting Amendments/Revisions to the Washington Township Zoning Resolution)

WHEREAS the Zoning Commission of Washington Township has recommended the approval of amendment to the Washington Township Zoning Resolution; proposing amendments which would provide definitions and regulations for small wind turbines in the township; and

WHEREAS, the Washington Township Trustees set June 1, 2011 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on May 19, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Washington Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* *

The foregoing Resolution was duly adopted at a duly called meeting of the Washington Township Board of Trustees held on June 14, 2011.

David Bambauer, Fiscal Officer
Washington Township

0
Filed for Record in
AUGLAIZE COUNTY, OHIO
ANN BILLINGS, COUNTY RECORDER
06-24-2011 At 10:55 am.
AMEND ZONE 20.00

RESOLUTION

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WHEREAS, a Public Hearing was held on Tuesday, May 10, 2011 at 7:00 p.m. in the Washington Township House, 101 South Main St. New Knoxville, Ohio, 45871 after publication in the St. Marys Evening Leader on April 25, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendments/revisions, attached hereto, are hereby adopted and the same are hereby ordered forwarded to the Washington Township Board of Trustees for further action.

* *

CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Washington Township Zoning Commission on May 10, 2011 following Public Hearing pertaining to the same.

Dated this 10th day of May 2011.

David C. Schroeter

Chairman, Zoning Commission

PROPOSED AMENDMENTS
TO THE
WASHINGTON TOWNSHIP ZONING RESOLUTION

PROPOSED CHANGE BY ADDITIONAL SECTION OF TEXT

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(D) A SMALL WIND ENERGY PROJECT, INCLUDING TOWER, SHALL COMPLY WITH ALL APPLICABLE STATE CONSTRUCTION AND ELECTRICAL CODES, AND THE NATIONAL ELECTRIC CODE.

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(I) THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL MAINTAIN A CLEAR FALL ZONE OF NO LESS THAN 110% OF THE TOTAL HEIGHT OF THE STRUCTURE FROM ANY PROPERTY LINE, CURRENT OR FUTURE STRUCTURE, AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.

(J) SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS, NO PART OF THE WIND SYSTEM STRUCTURE, INCLUDING GUY WIRE ANCHORS IF APPLICABLE, SHALL BE CLOSER THAN TWENTY (20) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.

(K) ON PARCELS ZONED TO PERMIT RESIDENCES, THE SIZE OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND POWERED GENERATOR:

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15 ACRES PLUS	125 FEET

(L) ON PARCELS WHERE RESIDENTIAL USES ARE NOT PERMITTED, SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR:

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1 TO 4.9 ACRES	80 FEET
5 ACRES PLUS	125 FEET

(M) RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL ROOF TOP AND OR COMBINATION UNITS (UTILITY LIGHTS WITH GENERATORS ETC.) MAY BE APPROVED SO LONG AS NO ASPECT OF THE MAXIMUM TOWER HEIGHT IS EXCEEDED AS STATED ABOVE.

(N) SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR TOWERS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION. IF LIGHTING IS REQUIRED, THE APPLICANT SHALL PROVIDE A COPY OF THE FAA DETERMINATION TO ESTABLISH THE REQUIRED MARKINGS AND/OR LIGHTS FOR THE STRUCTURE. THE STRUCTURE MUST ALSO ADHERE TO THE NEIL ARMSTRONG AIRPORT ZONING REGULATIONS.

(O) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW. ALL DEVICES WITH A RATED CAPACITY GREATER THAN 50KW SHALL BE PROHIBITED EXCEPT FOR PUBLIC DOMAIN APPLICATIONS PROVIDED FOR BY THE OHIO DEPARTMENT OF PUBLIC UTILITIES.

(P) NOISE GENERATED FROM THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL NOT EXCEED THE LEVELS STATED IN THE ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 1129.15. FAILURE TO ADHERE TO THIS PROVISION SHALL CONSTITUTE AN AUTOMATIC VIOLATION OF THIS RESOLUTION.

(Q) ALL TOWER SUPPORT BASES SHALL BE MADE OF REINFORCED CONCRETE. ANY OTHER PROPOSED CONSTRUCTION METHOD SHALL MEET ALL FEDERAL OR STATE REQUIREMENTS FOR WIND TOWER BASE CONSTRUCTION.

(R) A SMALL WIND TURBINE OR WIND POWERED GENERATOR THAT IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED. THE ZONING INSPECTOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A SMALL WIND TURBINE OR WIND-POWERED GENERATOR THAT IS DEEMED TO HAVE BEEN ABANDONED. THE OWNER SHALL HAVE THE RIGHT TO RESPOND TO THE NOTICE OF ABANDONMENT WITHIN 30 DAYS FROM NOTICE RECEIPT DATE. THE ZONING INSPECTOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND NOTIFY THE OWNER THAT THE NOTICE HAS BEEN WITHDRAWN IF THE OWNER PROVIDES INFORMATION THAT DEMONSTRATES THAT THE SMALL WIND TURBINE OR THE WIND-POWERED GENERATOR HAS NOT BEEN ABANDONED. IF THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR IS DETERMINED TO BE ABANDONED, THE OWNER SHALL REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR AT THE OWNER'S SOLE EXPENSE WITHIN 6 MONTHS OF RECEIPT OF NOTICE OF ABANDONMENT. IF THE

OWNER FAILS TO REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR, THE ZONING INSPECTOR MAY PURSUE A LEGAL ACTION TO HAVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR REMOVED AT THE OWNER'S EXPENSE.

(S) THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL EITHER BE THE STOCK COLOR FROM THE MANUFACTURER OR PAINTED WITH AN APPROVED NON-REFLECTIVE, UNOBTRUSIVE COLOR THAT BLENDS IN WITH THE SURROUNDING ENVIRONMENT.

(T) THE TOWER FOR THE SMALL WIND TURBINE SHALL BE DESIGNED AND INSTALLED SO AS TO NOT PROVIDE STEP BOLTS OR A LADDER READILY ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF 8 FEET ABOVE THE GROUND.

(U) PRIOR TO THE INSTALLATION OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR, A ZONING PERMIT MUST BE OBTAINED. THE APPLICANT SHALL PROVIDE A DETAILED DRAWING OF THE SITE ALONG WITH MANUFACTURER INFORMATION STATING THE SIZE, SHAPE AND CHARACTER OF THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR. INFORMATION SHALL INCLUDE GENERATOR KILOWATT INFORMATION, UNIT DECIBEL CRITERIA, TOWER HEIGHT AND CONSTRUCTION SPECIFICATIONS, SHADOW FLICKER POTENTIAL, FENCING INFORMATION, CLEAR FALL ZONE, LIGHTING PLANS AND LANDSCAPING/BUFFERING PLANS, PLUS ANY OTHER INFORMATION DEEMED NECESSARY BY THE TOWNSHIP. THE COST OF THE ZONING PERMIT SHALL BE AS SET BY THE WASHINGTON TOWNSHIP TRUSTEES AS MANDATED BY SECTIONS 1143.08 AND 1143.09.

New language proposed is indicated by all **CAPITALS** and **BOLD** print. Deleted language is indicated by ----------.

RESOLUTION

(Adopting Amendments/Revisions to the Washington Township Zoning Resolution)

WHEREAS the Zoning Commission of Washington Township has recommended the approval of amendment to the Washington Township Zoning Resolution; proposing amendments which would provide definitions and regulations for small wind turbines in the township; and

WHEREAS, the Washington Township Trustees set June 1, 2011 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on May 19, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Washington Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* *

The foregoing Resolution was duly adopted at a duly called meeting of the Washington Township Board of Trustees held on June 14, 2011.

David Bambauer
David Bambauer, Fiscal Officer
Washington Township

RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Washington Township Zoning Commission to amend/revise the Washington Township Zoning Resolution the proposed amendments to provide definitions and regulations for small wind turbines in the township; and

WHEREAS, a Public Hearing was held on Tuesday, May 10, 2011 at 7:00 p.m. in the Washington Township House, 101 South Main St. New Knoxville, Ohio, 45871 after publication in the St. Marys Evening Leader on April 25, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendments/revisions, attached hereto, are hereby adopted and the same are hereby ordered forwarded to the Washington Township Board of Trustees for further action.

* *

CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Washington Township Zoning Commission on May 10, 2011 following Public Hearing pertaining to the same.

Dated this 10th day of May 2011.

David C. Schroeter

Chairman, Zoning Commission

PROPOSED AMENDMENTS TO THE WASHINGTON TOWNSHIP ZONING RESOLUTION

PROPOSED CHANGE BY ADDITIONAL SECTION OF TEXT

1129.29 SMALL WIND TURBINES

(A) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS ARE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW.

(B) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE ALLOWED ON PARCELS ONE (1) ACRE OR GREATER IN SIZE.

(C) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL SERVICE ONLY ONE STRUCTURE PER PARCEL.

(D) A SMALL WIND ENERGY PROJECT, INCLUDING TOWER, SHALL COMPLY WITH ALL APPLICABLE STATE CONSTRUCTION AND ELECTRICAL CODES, AND THE NATIONAL ELECTRIC CODE.

(E) THE OWNER OF A SMALL WIND TURBINE OR OTHER WIND-POWERED GENERATOR MUST TAKE REASONABLE STEPS TO PREVENT AND ELIMINATE ANY INTERFERENCE WITH THE TRANSMISSION AND RECEPTION OF ELECTROMAGNETIC COMMUNICATIONS, SUCH AS MICROWAVE, RADIO, TELEPHONE, OR TELEVISION SIGNALS.

(F) SMALL WIND TURBINE OR OTHER WIND-POWERED GENERATORS MUST BE ON A FREESTANDING TOWER OR OTHER APPROVED REINFORCED STRUCTURE. THE USE OF ADDITIONAL SUPPORTS INCLUDING GUY WIRES IS SUBJECT

TO ALL OTHER REGULATIONS PROVIDED WITHIN THIS RESOLUTION.

(G) THE APPLICANT SHALL PROVIDE PROOF OF NOTIFICATION TO ADJACENT PROPERTY OWNERS AS REQUIRED BY OHIO REVISED CODE SECTION 519.211 (TELECOMMUNICATION TOWERS) AND SHALL CONFORM TO ORC 519.213.

(H) A MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PROTRUDING BLADES IS 15 FEET AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES TO A POINT NO LOWER THAN THE AVERAGE GRADE IN AND AROUND THE IMMEDIATE TOWER AREA.

(I) THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL MAINTAIN A CLEAR FALL ZONE OF NO LESS THAN 110% OF THE TOTAL HEIGHT OF THE STRUCTURE FROM ANY PROPERTY LINE, CURRENT OR FUTURE STRUCTURE, AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.

(J) SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS, NO PART OF THE WIND SYSTEM STRUCTURE, INCLUDING GUY WIRE ANCHORS IF APPLICABLE, SHALL BE CLOSER THAN TWENTY (20) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.

(K) ON PARCELS ZONED TO PERMIT RESIDENCES, THE SIZE OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND POWERED GENERATOR:

PARCEL SIZE	MAXIMUM TOWER HEIGHT
1 TO 4.9 ACRES	60 FEET
5 TO 9.9 ACRES	80 FEET
10 TO 14.9 ACRES	100 FEET
15 ACRES PLUS	125 FEET

(L) ON PARCELS WHERE RESIDENTIAL USES ARE NOT PERMITTED, SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR STRUCTURES ARE SUBJECT TO THE FOLLOWING SIZE LIMITATIONS. SUBJECT SITES WITH CONTIGUOUS PARCELS OF IDENTICAL OWNERSHIP MAY BE CONSIDERED AS ONE LARGER PARCEL. IN DETERMINING THE HEIGHT, GRADE SHALL BE DETERMINED BY AVERAGING THE AREA AROUND THE PROPOSED LOCATION OF THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR:

PARCEL SIZE	MAXIMUM TOWER HEIGHT
1 TO 4.9 ACRES	80 FEET
5 ACRES PLUS	125 FEET

(M) RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL ROOF TOP AND OR COMBINATION UNITS (UTILITY LIGHTS WITH GENERATORS ETC.) MAY BE APPROVED SO LONG AS NO ASPECT OF THE MAXIMUM TOWER HEIGHT IS EXCEEDED AS STATED ABOVE.

(N) SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR TOWERS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION. IF LIGHTING IS REQUIRED, THE APPLICANT SHALL PROVIDE A COPY OF THE FAA DETERMINATION TO ESTABLISH THE REQUIRED MARKINGS AND/OR LIGHTS FOR THE STRUCTURE. THE STRUCTURE MUST ALSO ADHERE TO THE NEIL ARMSTRONG AIRPORT ZONING REGULATIONS.

(O) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW. ALL DEVICES WITH A RATED CAPACITY GREATER THAN 50KW SHALL BE PROHIBITED EXCEPT FOR PUBLIC DOMAIN APPLICATIONS PROVIDED FOR BY THE OHIO DEPARTMENT OF PUBLIC UTILITIES.

(P) NOISE GENERATED FROM THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL NOT EXCEED THE LEVELS STATED IN THE ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 1129.15. FAILURE TO ADHERE TO THIS PROVISION SHALL CONSTITUTE AN AUTOMATIC VIOLATION OF THIS RESOLUTION.

(Q) ALL TOWER SUPPORT BASES SHALL BE MADE OF REINFORCED CONCRETE. ANY OTHER PROPOSED CONSTRUCTION METHOD SHALL MEET ALL FEDERAL OR STATE REQUIREMENTS FOR WIND TOWER BASE CONSTRUCTION.

(R) A SMALL WIND TURBINE OR WIND POWERED GENERATOR THAT IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED. THE ZONING INSPECTOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A SMALL WIND TURBINE OR WIND-POWERED GENERATOR THAT IS DEEMED TO HAVE BEEN ABANDONED. THE OWNER SHALL HAVE THE RIGHT TO RESPOND TO THE NOTICE OF ABANDONMENT WITHIN 30 DAYS FROM NOTICE RECEIPT DATE. THE ZONING INSPECTOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND NOTIFY THE OWNER THAT THE NOTICE HAS BEEN WITHDRAWN IF THE OWNER PROVIDES INFORMATION THAT DEMONSTRATES THAT THE SMALL WIND TURBINE OR THE WIND-POWERED GENERATOR HAS NOT BEEN ABANDONED. IF THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR IS DETERMINED TO BE ABANDONED, THE OWNER SHALL REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR AT THE OWNER'S SOLE EXPENSE WITHIN 6 MONTHS OF RECEIPT OF NOTICE OF ABANDONMENT. IF THE

OWNER FAILS TO REMOVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR, THE ZONING INSPECTOR MAY PURSUE A LEGAL ACTION TO HAVE THE SMALL WIND TURBINE OR WIND-POWERED GENERATOR REMOVED AT THE OWNER'S EXPENSE.

(S) THE SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL EITHER BE THE STOCK COLOR FROM THE MANUFACTURER OR PAINTED WITH AN APPROVED NON-REFLECTIVE, UNOBTRUSIVE COLOR THAT BLENDS IN WITH THE SURROUNDING ENVIRONMENT.

(T) THE TOWER FOR THE SMALL WIND TURBINE SHALL BE DESIGNED AND INSTALLED SO AS TO NOT PROVIDE STEP BOLTS OR A LADDER READILY ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF 8 FEET ABOVE THE GROUND.

(U) PRIOR TO THE INSTALLATION OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR, A ZONING PERMIT MUST BE OBTAINED. THE APPLICANT SHALL PROVIDE A DETAILED DRAWING OF THE SITE ALONG WITH MANUFACTURER INFORMATION STATING THE SIZE, SHAPE AND CHARACTER OF THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR. INFORMATION SHALL INCLUDE GENERATOR KILOWATT INFORMATION, UNIT DECIBEL CRITERIA, TOWER HEIGHT AND CONSTRUCTION SPECIFICATIONS, SHADOW FLICKER POTENTIAL, FENCING INFORMATION, CLEAR FALL ZONE, LIGHTING PLANS AND LANDSCAPING/BUFFERING PLANS, PLUS ANY OTHER INFORMATION DEEMED NECESSARY BY THE TOWNSHIP. THE COST OF THE ZONING PERMIT SHALL BE AS SET BY THE WASHINGTON TOWNSHIP TRUSTEES AS MANDATED BY SECTIONS 1143.08 AND 1143.09.

New language proposed is indicated by all **CAPITALS** and **BOLD** print. Deleted language is indicated by ----------.

0
Filed for Record in
AUGLAIZE COUNTY, OHIO
CHRISTINA LAMBERT, RECORDER
02-16-2012 At 11:08 am.
AMEND ZONE 20.00

RESOLUTION

(Adopting Amendments/Revisions to the Moulton Township Zoning Resolution)

WHEREAS the Zoning Commission of Moulton Township has recommended the approval of amendment to the Moulton Township Zoning Resolution to modify the conditionally permitted uses and development standards in the "Rural Residential and Agricultural District", specifically to include as conditionally permitted use a structure/building to house equipment for cable television, communication, internet, data and other entertainment services; and

WHEREAS, the Moulton Township Trustees set December 6, 2011 at 7:30 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on November 21, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Moulton Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* *

The foregoing Resolution was duly adopted at a duly called meeting of the Moulton Township Board of Trustees held on December 6, 2011.

Larry Johns, Fiscal Officer
Moulton Township

RESOLUTION

RESOLVED, that whereas amendments have been proposed by Time Warner Cable Inc., a Delaware corporation to amend/revise the Moulton Township Zoning Resolution; the proposed amendments to include as conditionally permitted use structure(s)/building(s) to house equipment for cable television, communication, internet, data and other entertainment services in the "Rural Residential and Agricultural District", and

WHEREAS, a Public Hearing was held on Thursday, October 20, 2011 at 7:00 p.m. in the Moulton Township House, 08980 Glynwood Road, Wapakoneta, Ohio, Ohio after publication in the Wapakoneta Daily News on October 5, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendments/revisions, attached as "Exhibit A", are hereby adopted and the same are hereby ordered forwarded to the Moulton Township Board of Trustees for further action.

* *

CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Moulton Township Zoning Commission on ~~April 12, 2011~~ October 20, 2011 WCD following Public Hearing pertaining to the same.

Dated this 20th day of October 2011.

William C. Davidson

Chairman, Zoning Commission

"EXHIBIT A"

PROPOSED AMENDMENTS TO THE MOULTON TOWNSHIP ZONING RESOLUTION

SECTION 6
DISTRICT REGULATIONS

SECTION 6.03 C Conditionally Permitted Uses

10. STRUCTURES TO HOUSE CABLE TELEVISION, MULTI-CHANNEL VIDEO PROGRAMMING, HIGH SPEED DATA, HIGH SPEED INTERNET ACCESS, VOICE OVER INTERNET PROTOCOL, INTERNET, TELEPHONY, AND OTHER ENTERTAINMENT, DATA AND TELECOMUNICATIONS SERVICES OF ACCOMODATING VOICE, DATA AND VIDEO TRANSMISSIONS AND/OR TELECOMMUNICATION SERVICE AND RELATED BUILDINGS AND EQUIPMENT.

New language proposed is indicated by all **CAPITALS** and **BOLD** print. Deleted language is indicated by ----------.

No other provisions or language of the Moulton Township Zoning Resolution is hereby proposed to be amended.

201300001728
Filed for Record in
AUGLAIZE COUNTY, OHIO
CHRISTINA LAMBERT, RECORDER
03-19-2013 At 02:58 pm.
COUNTY MISC .00
OR Book 628 Page 1233 - 1249

201300001728
COUNTY COMMISSIONERS

Instrument Book Page
201300001728 OR 628 1233

AIRPORT ZONING REGULATIONS

FOR THE NEIL ARMSTRONG AIRPORT

State Route 219, Washington Township

Auglaize County, Ohio

As Amended March 12, 2013
Reprinted March 13, 2013

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RESOLUTION
of
THE AUGLAIZE COUNTY ZONING BOARD

ADOPTING REGULATIONS RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH WITHIN THE HAZARD AREA OF THE NEIL ARMSTRONG AIRPORT, WASHINGTON TOWNSHIP, AUGLAIZE' COUNTY, OHIO; CREATING VARIOUS ZONES; DEFINING TERMS USED; REFERRING TO THE NEIL ARMSTRONG AIRPORT ZONING MAP WHICH IS MADE A PART HEREOF; PROVIDING FOR ENFORCEMENT AND IMPOSING PENALTIES; AND ESTABLISHING AN AUGLAIZE/SHELBY COUNTY BOARD OF APPEALS.

WHEREAS, the Auglaize/Shelby Zoning Board formed appointed the Auglaize/Shelby County Zoning Commission to recommend the boundaries of the various zones to be established for the Neil Armstrong Airport and regulations to be adopted therefore; and,

WHEREAS, the said Auglaize/Shelby County Zoning Commission has made its preliminary report, given notice by publication, held public hearing, and has submitted to the Auglaize/Shelby County Zoning Board its final report consisting of regulations restricting the height of structures and objects of natural growth within the hazard area of the Neil Armstrong Airport; creating various zones; defining certain terms used; referring to the Neil Armstrong Airport Zoning map which is made a part of said final report; providing for enforcement and imposing penalties; providing for hardship variance; establishment of an Auglaize/Shelby County Zoning Board of Appeal; and,

WHEREAS, the Auglaize/Shelby County Zoning Board has given notice by publication of a hearing for the purpose of considering the final report of said Commission and of determining the boundaries of the various zones to be established and the regulations to be adopted therefore and has conducted such public hearing, and appointed an Auglaize/Shelby County Zoning Board of Appeals; and,

WHEREAS, an airport hazard endangers the lives and property of users of the Neil Armstrong Airport and of occupants of land in its vicinity; an airport hazard in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Neil Armstrong Airport and the public investment therein; that the creation or establishment of an airport hazard is a public nuisance; it is necessary, in the interest of the public health, public safety and general welfare, that the creation or establishment of airport hazards be prevented; and that the prevention of these hazards should be accomplished, to the extend legally possible; by the exercise of the police power without compensation, now therefore,

Be it resolved by the Auglaize/Shelby County Zoning Board:

SECTION I: That the final report of the said Auglaize County Zoning Commission should be and hereby is adopted.

SECTION II: That the boundaries of the various zones established for the Neil Armstrong Airport and the regulations adopted therefore shall be attached and made a part of this resolution as if fully written herein and are as follows:

ARTICLE 1

SHORT TITLE

This Regulation shall be known and may be cited as "THE AUGLAIZE/SHELBY COUNTY AIRPORT ZONING REGULATIONS".

ARTICLE 2

DEFINITIONS

As used in these regulations, unless the context otherwise requires;

1. ABUTTING: Abutting shall mean bordering.

2. ACCESSORY BUILDING: A subordinate building, located on the same lot or parcel of land as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land. No accessory buildings shall be used for any purpose other than that allowed by existing or future zoning regulations.

3. AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry and the necessary accessory uses for packaging, treating or storing the produce.

4. AIRPORT: Means The Neil Armstrong Airport.

5. AIRPORT ELEVATION; Means the established elevation of the highest point on the usable landing area. The Neil Armstrong Airport elevation in these regulations is established as 910.25.

6. AIRPORT HAZARD: An airport hazard is any structure or object of natural growth located, or use of land, in the airport hazard area which projects into any of the zones herein described and obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft landing, taking-off or using the airport.

7. AIRPORT HAZARD AREA: All the area encompassed by the various zones (approach, transitional, horizontal, and conical) as determined by the Auglaize County Zoning Board in cooperation with the Ohio Division of Aviation and shown on the Zoning Map. The zones are further described in Article 3, pages 5 & 6 of these regulations.

8. AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area and so designated. The established Neil Armstrong Airport Reference Point (ARP) is LAT. 40°-29'34 LONG. 84°-18'-01".

9. AUGLAIZE/SHELBY COUNTY, OHIO, ZONING BOARD: The Auglaize/Shelby County Boards of County Commissioners shall constitute the Auglaize/Shelby County Zoning Board, whose responsibility shall be to adopt, administer and enforce airport zoning regulations for such airport hazard areas. Ohio Revised Code Section 4563.03. The Auglaize/Shelby County Zoning Board shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan

approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be available in the office of the zoning inspector, and may be altered or amended only by the Auglaize/Shelby County Zoning Board. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be conducted until the requested deposit has been posted with Auglaize County. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal and will receive a refund or billing for the difference between their deposit and the total costs.

10. AUTHORIZED ADMINISTRATION AND AGENCY: Auglaize/Shelby County Regional Planning Commission.

11. AUTHORIZED REPRESENTATIVE: Executive Director, Auglaize/ Shelby County Regional Planning Commission.

12. BOARD OF APPEALS: The Auglaize Shelby County Board of appeals consists of five (5) members appointed by the Auglaize/Shelby County Zoning Board as provided in the Ohio Revised Code, Section 4563.13.

13. ERECT: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

14. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal or other governments of underground surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, water supply or sewage disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith; reasonable necessity for the furnishing of adequate service by such public utilities, municipal or other governments or for the public health, safety or general welfare, but not including buildings.

15. FOLIAGE: Means any object of natural growth, including trees, plants, shrubs, etc.

16. HEIGHT: For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map.

17. LANDING AREA: Means the area of the airport used for the landing, taking off or taxiing of aircraft.

18. NONCONFORMING USE: Means any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of these regulations or an amendment thereto.

19. NON-PRECISION INSTRUMENT RUNWAY: Means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment.

20. PERSON: Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

21. PLANE: A surface, real or imaginary, in which any of two points are taken. The straight line that joins them lies wholly in that surface.

22. PRECISION INSTRUMENT RUNWAY: Means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR), or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions. It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan.

23. PRIMARY SURFACE: This surface extends to a minimum of 250 feet either side of the centerline of the runway and extending 200 feet from both ends of the runway.

24. REGIONAL PLANNING COMMISSION: The Auglaize/Shelby County Regional Planning Commission consisting of the Auglaize/Shelby County Board of Commissioners or duly appointed representatives appointed by the Board of Commissioners to act-in their behalf, and one representative from each township, village, town, and city in the county.

25. RUNWAY: Means the paved surface, constructed or to be constructed, of an airport landing strip including planned extensions thereof.

26. STRUCTURE: Means any object constructed installed or used for residential, business, industrial or other public or private purpose, or accessory thereto, and including buildings, towers, smoke stacks, overhead transmission lines, tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under, upon or above the surface of the ground.

27. USE: The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

28. VARIANCE: A variance is a relaxation of the terms of these zoning Regulations. Where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

29. VISUAL RUNWAY: Means a runway intended solely for the operation of aircraft using visual approach procedures.

30. ZONE: A zone is the airspace above a plane or conical surface as described in Article 3, pages 5 & 6 of these regulations.

31. ZONING MAP: The Auglaize/Shelby County, Ohio Zoning Map for the Neil Armstrong Airport, showing the boundaries of the restrictive zones, together with all amendments subsequently adopted. A copy of which is attached and is part of these regulations.

ARTICLE 3

ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, visual approach zones, transition zones, horizontal zone and conical zone of the Neil Armstrong Airport. Such zones are shown on The Neil Armstrong Airport Zoning Map consisting of one sheet, prepared by The Auglaize County Engineer's Office and dated which is attached to these regulations and made a part hereof. The various zones are hereby established and defined as follows:

3:1 PRECISION INSTRUMENT APPROACH ZONE: A precision instrument approach zone is established at the end of each precision instrument runway for precision instrument landings and takeoffs. The precision instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

3:2 NON-PRECISION INSTRUMENT APPROACH ZONE: A non-precision instrument approach zone is established at the end of each non-precision instrument runway for non-precision instrument landings and takeoffs. The non-precision instrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 4,500 feet at a distance of 13,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

3:3 VISUAL APPROACH ZONE: A visual flight rules approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway widening thereafter uniformly to a width of 2000 feet at a distance of 5,000 feet beyond each end of the primary surface, its center-line being a continuation of the centerline of the runway.

3:4 TRANSITION ZONES: Transition zones are hereby established adjacent to the runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the visual runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of each precision or non-precision instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to precision and non-precision instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surfaces of the horizontal and conical zones.

3:5 HORIZONTAL ZONE: A horizontal zone is hereby established as the area 150 feet above the airport elevation or a height of 1,059 feet above mean sea level within a boundary established by a circle, the center of which is the center of the runway, with a radius of 15,840 feet. The horizontal zone does not include the approach or transition zones.

3:6 CONICAL ZONE: A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward at a slope of 20 feet horizontal for each one (1) foot vertical there from a distance of 10,560 feet. The conical zone does not include the approach or transition zones.

ARTICLE 4

HEIGHT LIMITATIONS AND RESTRICTIONS

4.1 HEIGHT RESTRICTIONS: Except as otherwise provided in these regulations, no structure shall be erected, replaced, constructed or altered, nor shall objects of natural growth be permitted to grow to such height an to project into any of the respective zones described in Article 3. Where an area is covered by more than one height restriction, the more restrictive limitations shall prevail.

4.2 PRECISION INSTRUMENT APPROACH ZONE: One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of each precision instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.

4:3 NONPRECISION INSTRUMENT APPROACH ZONES: One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the and of each non-precision instrument runway and extending to a point 6,000 feet from the and of the runway.

4:4 VISUAL APPROACH ZONES: One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the runway and extending to a point 5,200 feet from the end of the runway.

4:5 TRANSITION ZONES: One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of visual runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the precision or non-precision instrument runways, extending 200 feet beyond each and thereof, extending to a height of 150 foot above the airport elevation which is 1059 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the point where they intersect the horizontal or conical surfaces.

4:6 HORIZONTAL ZONE: One hundred fifty (150) feet above the airport elevation or a height of 1,059 feet above airport elevation (Page 2 No.5).

4:7 CONICAL ZONE: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation,

4:8 EXCEPTED HEIGHT LIMITATIONS: Nothing in this Regulation shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 40 feet above the surface of the land, except as otherwise specified.

Where an area is covered by more than one (1) height limitation .the more restrictive limitations shall prevail.

ARTICLE 5

USE RESTRICTIONS

Notwithstanding any other provisions of this Regulation, no use may be made of land within any zone established by this Regulation in such a manner as to create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft, or in any other manner constituting an airport hazard.

ARTICLE 6

NONCONFORMING USE

6.1 REGULATIONS NOT RETROACTIVE: The regulations prescribes herein shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Regulation, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Regulation, and is diligently prosecuted.

6.2 MARKING AND LIGHTING: Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of Auglaize County, Ohio.

ARTICLE 7

PERMITS

7.1 LOCATIONS WHERE PERMITS ARE REQUIRED: Within the primary surface, adjacent transition zones and approach zones located within the limits of the horizontal and conical zones, no excavations shall be commended, no wall, structure, building or any part thereof shall be built, constructed or altered, nor shall any structure be moved or object of natural growth permitted, until an application has been made to and a proper permit has been obtained from the Auglaize/Shelby County Zoning Board or its duly authorized representative. For all other areas within the Airport Hazard Areas as defined in Article 2, page 2 of this regulation, the provisions of this section shall not apply to any structure or natural growth, which does not exceed the height of the imaginary surface of the Airport Hazard Area at that point. If the height of any structure or natural growth is proposed or allowed to exceed the height of the Airport Hazard Area, then the process of permit application shall be followed. The Auglaize/Shelby County Zoning Board may grant such permits upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe.

7.2 APPLICATIONS: Application forms for permits shall be provided by the Auglaize/Shelby County Zoning Board or duly authorized representative of the Board at no charge. All applications shall be submitted in duplicate to the Auglaize/Shelby County Zoning Board accompanied by accurate plans showing the exact location and height above ground, the height above mean sea level as well as such other information as may be necessary to determine and provide for enforcement of these regulations. Applications may be submitted to the Auglaize County Board of Commissioners Office Wapakoneta, Ohio 45895. Also one copy shall be sent to the Auglaize County Airport Authority: P.O. Box 400 New Knoxville, Ohio 45871.

7.3 FUTURE USES: Except at specifically provided in paragraphs a, b, and c hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the instrument and visual approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such instrument or visual approach zone.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Regulation except a set forth in Article 4, page 6.

7.5 EXISTING USES: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Regulation or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

7.6 NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Auglaize/Shelby County Zoning Board or their duly authorized representative, the Airport manager, Neil Armstrong Airport, determines that a nonconforming structure or tree has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

7.7 VARIANCES: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed herein, may apply to the Board of Appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Regulation. To obtain application for a variance the same procedure is to be followed as described in Section 7.2, page 8.

7.8 HAZARD MARKING AND LIGHTING: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Regulation and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit Auglaize County, Ohio at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

7.9 PERMITS NOT GRANTED: No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming structure to be made higher, or a nonconforming object of natural growth to become a hazard to air navigation in violation of these regulations or applicable State statutes.

ARTICLE 8

VIOLATIONS AND PENALTIES

It shall constitute a violation of these regulations for any person, firm or corporation, either owner or agent, to do any of those things mentioned herein to exceed the height limitations specified or failure to comply with the applicable hazard provisions without having first obtained the proper permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Any person who shall proceed thereafter with the work for which the permit was issued shall be deemed guilty of violation thereof. Each violation of this Regulation, any order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than $100, and each day a violation continues to exist shall constitute a separate offense.

ARTICLE 9

ENFORCEMENT

It shall be the duty of the Auglaize/Shelby County Zoning Board or its duly authorized Representative to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the authorized representative of the Auglaize/Shelby County Zoning Board upon a form furnished by them. Applications required by this Regulation to be submitted to the authorized representative of the Auglaize/Shelby County Zoning Board shall be promptly considered and granted or denied by him. Applications for action by the Board of Appeals shall be forthwith transmitted by the authorized representative of the Auglaize/Shelby County Zoning Board of Appeals.

ARTICLE 10

AUGLAIZE COUNTY, OHIO, BOARD OF ZONING APPEALS

There is hereby created an Auglaize/Shelby County Board of Zoning Appeals to be appointed by the Auglaize/Shelby County Zoning Board.

10.1 BOARD STRUCTURE. The Board of Appeals shall consist of five members. Each shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, two shall be appointed, for a term of one year, two for a term of two years and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing meetings of the Board of Appeals shall be hold at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Appeals shall be public.

10.2 APPEALS BOARD POWERS:

(a) To adopt rules governing the organization of the Board of Appeals, its proceedings and to regulate the mode and manner of conducting hearings. All hearings shall be public.

(b) To hear and decide appeals, filed pursuant to section 4563.18 of the Ohio Revised Code, from any order, requirement, decision or determination made by the Auglaize/Shelby County Zoning Board in the enforcement of the airport zoning regulations, an provided in Section 4563.11 and 4563.12 of the Ohio Revised Code.

(c) To hear and allow, refuse or allow with modifications or conditions, any variance from the terms of the airport zoning regulations which the Auglaize/Shelby County Zoning Board may be authorized to pass upon pursuant to such regulations.

(d) To hear and decide specific variances under Section 4503.16 of the Ohio Revised Code. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Appeals and shall be made a public record.

(e) The Board of Appeals shall make written findings of the fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision. or determination which comes before it under the provisions of this Regulation.

(f) The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision or determination of the Administrative Agent or to decide in favor of the applicant on any matter upon which it is required to pass under this Regulation, or to effect any variation in this Regulation.

ARTICLE 11

APPEALS

11.1 Any person aggrieved, or any taxpayer affected, by any decision of the agent of the Auglaize/Shelby County Zoning Board made in his administration of this Regulation, may appeal to the Board of Appeals.

11.2 All appeals hereunder must be taken within twenty (20) days after an order is filed in the office of the administrative agency, by filing with the Administrative Agent a notice of appeal specifying the grounds thereof. The Administrative Agent shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

11.3 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Agent certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Appeals on notice to the Administrative Agent and on due cause shown.

11.4 The Board of Appeals shall fix a date for hearing appeals, within sixty (60) days from the date the appeal is filed, give public notice and due notice to the parties in interest, and decide the same within sixty (60) days from the date of the hearings. Upon the hearing any party may appear in person or by agent or by attorney.

11.5 The Board of Appeals may, in conformity with the provisions of this Regulation, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

ARTICLE 12

JUDICIAL REVIEW

Any person aggrieved or any taxpayer, or any legislative authority, or any airport zoning board affected by any order of the Auglaize County Zoning Board of Appeals may appeal within thirty (30) days to the, Court of Common Pleas of the County in which the affected real estate lies, as provided by Section 4563.19, of the Ohio Revised Code.

ARTICLE 13

CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Regulation and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

ARTICLE 14

SEVERABILITY AND REPEAL

14.1 SEVERABILITY: This Regulation and the various parts, articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Regulation shall not be affected thereby.

14.2 REPEAL: All other Regulations of the County inconsistent herewith and to the extent of such inconsistency and no further are hereby repealed.

ARTICLE 15

CHANGES TO REGULATION

The Auglaize/Shelby County Zoning Board, by a majority vote of its members, may from time to time, on its own motion, or on the written application of any affected taxpayer or political subdivision located within the airport hazard area, amend, change or supplement these regulations. But no such amendment or change shall be made except after public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least thirty (30) days notice of the public hearing shall be published in a newspaper of general circulation in the political subdivision in which the airport hazard area to be rezoned is located.

ARTICLE 16

MAP

Attached hereto and made a part thereof is a map consisting of one shoot showing the Neil Armstrong Reference Point (ARP), elevation, runway, zones and heights set forth herein. The designations of zones and heights set forth on such map are made a part hereof and incorporated herein by reference. The original map shall be displayed and maintained in the offices of the Auglaize County Engineering Office, 1014 South Blackhoof Street, Wapakoneta, Ohio.

ARTICLE 17

EFFECTIVE DATE

These regulations shall be in full force and effect from and after the earliest period allowed by law following publication, posting and passage hereof by the Auglaize/Shelby County, Ohio, Zoning Board.

Adopted by the Auglaize/Shelby County Zoning Board this 12TH day of MARCH, 2013.

John N Bergman
Auglaize/Shelby County Zoning Board

Attest: [illegible]
Secretary

Board of County Commissioners
Auglaize County, Ohio

Don Regula

John N. Bergman

Douglas A. Spencer

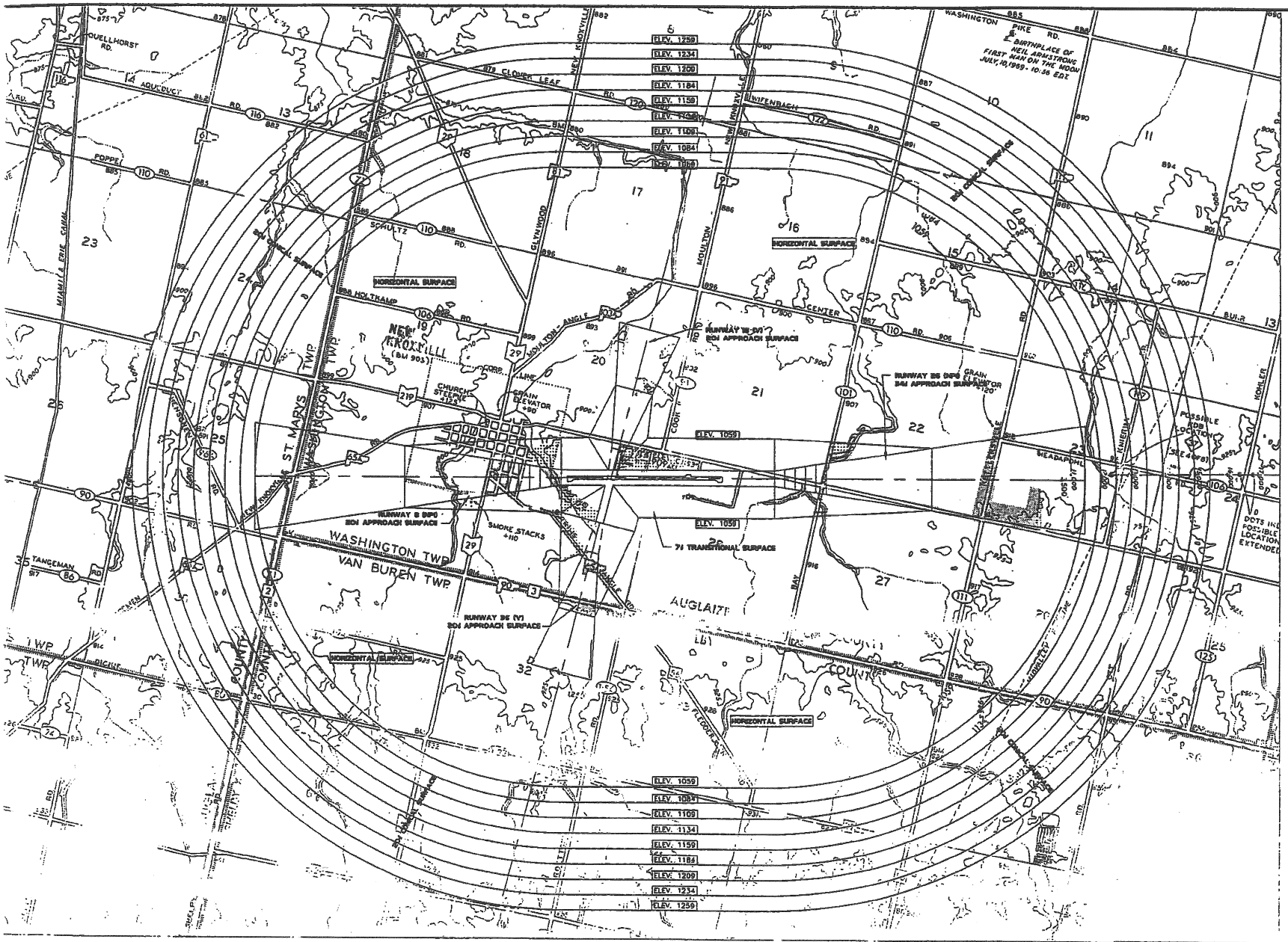
Board of County Commissioners
Shelby County, Ohio

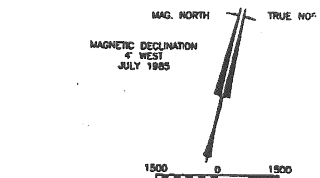
Julie L. Ehemann

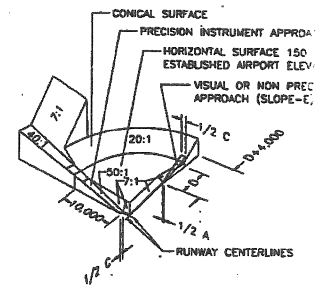
Robert A. Guillozet

Anthony J. Bornhorst

THE "MAP" REFERRED TO IN
THESE REGULATIONS WILL BE
PRINTED AND PLACED HERE
AS A PART OF THESE REGULATIONS.





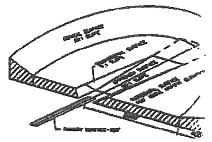


FAA PART77 ISOMETRIC DETAIL
NOT TO SCALE

FAA PART 77 APPROACH SURFACE DIMENSIONS

DIM	ITEM	10	26	
A	WIDTH OF PRIMARY SURFACE	500	500	5
B	RADIUS OF HORIZONTAL SURFACE	5000	5000	10
C	APPROACH SURFACE END WIDTH	3000	3000	15
D	APPROACH SURFACE LENGTH	5000	5000	10
E	APPROACH SLOPE	20:1	20:1	2

SEE ABOVE SKETCH VIEW FOR SAMPLE SURFACE STRUCTURE



FAA PART77 ISOMETRIC DETAIL
NOT TO SCALE

NOTES:

1. ALL PART 77 SURFACES SHOWN ARE "ULTIMATE" S
2. THE PRIMARY SURFACE FOR AUGLAIZE AIRPORT IS
AN AIRPORT ELEVATION OF 909' MSL.
3. FOR OBSTRUCTIONS WITHIN THE PRIMARY, TRANSITI
APPROACH SURFACES, SEE APPROACH PLAN AND P

WHITWORTH-BORTA & CO. ENGINEERS/DESIGNERS
BRAND CENTER BINGE BRIDGE SUITE 450
DECAT STREET, OHIO 45210-5450

AUGLAIZE COUNTY ENGINEER'S OFFICE - 1014 SOUTH BLACKHOOF STREET, WAPAKONETA

NO.	DATE	BY	REVISIONS
1			
2			
3			
4			
5			

NEIL ARMSTRONG AIRPORT MASTER
AUGLAIZE COUNTY, O

FAA PART 77 AIRSPACE

DRAWN BY DWH SCALE 1"= 1500'
CHK'D DAP DATE 9-15-91
REVISED CHK'D

Instrument 201300001728 OR Book Page 628 1249