

Article I

GENERAL PROVISIONS

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Washington, Ohio." Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Ordinance as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

This Zoning Ordinance is adopted to promote and protect the public health, safety, comfort, prosperity and general welfare by regulating and limiting the use of land areas and building and the construction, restoration and alteration of buildings and the uses thereof for residential, business and industrial purposes; to regulate the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of building; to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the municipality into various districts.

Section 1.03 Interpretation and Applicability

1.03.01 Interpretation and Consistency

The provisions of this Ordinance shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land, where the provisions of this Ordinance impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Ordinance shall govern; and conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other Ordinance of the City of Washington, Ohio, or part thereof not specifically repealed, amended, modified, altered or changed herein.

1.03.2 Provisions Cumulative

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Ordinance is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

1.03.03 Applicability

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any private individual or entity, or any political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Washington.

Section 1.04 Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

**Section 1.05 Repeal of Existing Ordinance (to be drafted by City
Law Director)**

Section 1.06 Effective Date

This Ordinance shall be effective from and after the date of its approval and adoption as provided by law.

ARTICLE II

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 2.01 Building and Zoning Inspector

2.01.01 Office of Building and Zoning Inspector Created

The Building and Zoning Inspector, who shall be appointed by the City Manager, shall enforce the Zoning Ordinance. All officials and employees of the Municipality shall assist the Building and Zoning Inspector by reporting to him any new construction, reconstruction, or apparent violations to this Ordinance.

2.01.02 Relief From Personal Liability

The Building and Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him as a result of the enforcement of this ordinance.

In any of these actions, the Building and zoning Inspector or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

2.01.03 Duties of Building and Zoning Inspector

For the purposes of this Ordinance, the Building and Zoning Inspector shall have the following duties:

- A. Issue Zoning Permits when the provisions of the Zoning Ordinance have been met, or refuse to issue same in the event of noncompliance.
- B. Collect the designated fees as established for Zoning Permits, applications for appeals and conditional uses.
- C. Make and keep all records necessary and appropriate to the office including records of issuance and denial official Zoning Permits and receipt of complaints of violation of the Zoning Ordinance and action taken on same.
- D. Inspect any buildings or lands to determine whether any violations of the Zoning Ordinance have been committed or exist.
- E. Enforce the Zoning Ordinance and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to appropriate City Official for action.
- F. Advise the Planning Commission of all matters other than routine duties pertaining to the enforcement of and amendments to the Zoning Ordinance.
- G. Advise the Board of Zoning Appeals of all matters pertaining to

conditional use permits, appeals, or variances, and transmit all applications and records pertaining thereto.

Section 2.02 Board of Zoning Appeals

2.02.01 Establishment

The Board of Zoning Appeals as constituted at the time of enactment of this Ordinance shall continue in power. The Board shall consist of five (5) residents of the City, appointed by the City Manager subject to the approval of City Council, for terms of three (3) years, except that those holding a position on the Board at the time of enactment of this Ordinance shall complete the term to which they were previously appointed. Vacancies shall be filled in the same manner as new appointees for the unexpired term. Members of the Board shall serve until his/her successor is appointed.

2.02.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the City Council, after a public hearing has been held before City Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

2.02.03 Quorum

Three (3) members of the Board shall constitute a quorum.

2.02.04 Procedures

The meetings of the Board shall be public. The Board shall organize annually and elect a Chairman, and Secretary. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of the Zoning Ordinance. The Secretary of the board 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 action, all of which shall be immediately filed in the City offices and shall be a public record.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

The Board may call upon the various departments of the Municipality for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the Board as may reasonably be required.

2.02.05

Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance. For the purposes of this Ordinance, the Board has the following specific responsibilities:

- A. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Ordinance.
- B. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article VI of this Ordinance, and such additional safeguards as will uphold the intent of the Ordinance.
- C. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building and Zoning Inspector, in accordance with Article V of this Ordinance.
- D. Authorize such variances from the terms of this Ordinance as will not contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship in accordance with the provisions of Article V of the Ordinance.
- E. Authorize the substitution or extension of non-conforming uses, as specified in Article VII of this Ordinance.
- F. Authorize extensions of time for completion of work specified in Zoning Permit, in accordance with Section 3.08 of this Ordinance.
- G. Declare zoning permits void, pursuant to Section 3.11.05 of this Ordinance.

Section 2.03 Planning Commission

2.03.01

Establishment

Pursuant to Ohio Revised Code 713.01 and Washington City Ordinance Chapter 1101.01 there is hereby established a Planning Commission in and for the City. Such commission shall consist of five (5) members as follows: The City Manager, Chairman of Council, and three residents of the City who shall serve without compensation and who shall be appointed by the city Manager with approval of City Council for a term of six (6) years.

In addition to the powers and duties of the Planning Commission established in Washington City Ordinance Chapter 1101.01, the Planning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to City Council.
- B. Make a recommendation for newly annexed areas to the City, in accordance with Section 8.04 of this Ordinance.
- C. Administer the requirements for Planned Unit Developments, in accordance with Article XXIV of this Ordinance.
- D. Determine similarity of uses, pursuant to Section 9.02.05 of this Ordinance.

Section 2.03 Powers of Building and Zoning Inspector, Board of Zoning Appeals, and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretations and enforcement shall first be presented to the Building and Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on an appeal from the decision of the Building and Zoning Inspector, and recourse from the decisions of the Board shall be only to the courts as provided by law. It is further the intent of this Ordinance that the powers of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. City Council shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance.

**ARTICLE III
ENFORCEMENT AND PENALTY**

Section 3.01 Zoning Permit 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 according to zoning category, wholly or partly, until a Zoning Permit, which may be part of a building permit, shall have been issued by the Building and Zoning Inspector. Such Zoning Permit shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Ordinance.

Section 3.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

- A. Construction or structural alteration of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use of vacant land.
- D. Change in use of land to use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article VII.

Section 3.04 Application for Zoning Permit

Three (3) copies of an application for a zoning permit shall 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 shall be revoked if work has not begun within one (1) year, and substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Fayette County Recorder's Office.
- C. Existing use
- D. Proposed use.
- E. Zoning district in which property is located.
- F. Plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.
- H. Number and dimensions of existing and proposed off-street parking or loading spaces.
- I. Number of proposed dwelling units.
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Fayette

County Health

- K. Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- K. Such other material as may be requested by the Building and Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Building and Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.

Section 3.05 Approval of Zoning Permits

Within 30 days after the receipt, the application shall be either approved or disapproved by the Building and Zoning Inspector, in conformance with the provisions of this Ordinance, unless the provisions of Section 3.06 are applicable. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Building and Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Building and Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Building and Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Building and Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Occupancy along with one (1) copy of the application. The Building and Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

Section 3.06 Submission to the Director of the Department of Transportation

Before any zoning permit issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Building and Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Building and Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Building and Zoning Inspector that he shall proceed to acquire the land needed, then the Building and Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Building and Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Building and Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 3.05 of this Ordinance.

Section 3.07 Record of Zoning Permit

A record of all zoning permits shall be kept on file in the Office of the Building and Zoning Inspector, or his designee, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 3.08 Expiration of Zoning Permits

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two and one-half (2 1/2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Building and Zoning Inspector, and written notice thereof, shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or extension granted by the Board of Zoning Appeals.

Section 3.09 Certificate of Occupancy

A. Certificate of Occupancy Required

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Building and Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. Such certificate of occupancy may be a part of the zoning permit.

B. Application for Certificate of Occupancy

Certificates of occupancy shall be applied for by the applicant giving written notice to the Building and Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

C. Approval of Health Department Required

If the property in question is not served by public water and sewer, a certificate of occupancy shall not be issued by the Building and Zoning Inspector until approval of the water and sewage disposal systems have been given by the Fayette County Health Department, or Ohio Environmental Protection Agency.

D. Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Building and Zoning Inspector for a period not exceeding six (6) months during the alteration or partial occupancy of a building pending its completion.

E. Record of Certificate of Occupancy

The Building and Zoning Inspector shall maintain a record of all Certificates of Occupancy and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

Section 3.10 Schedule of Fees, Charges and Expenses

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the municipal offices, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 3.11 Violation

3.11.01 Failure to Obtain a Zoning Permit, Certificate of Occupancy, or Sign Permit

Failure to obtain a zoning permit, Certificate of Occupancy, or other permit as required by specific Sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 3.11.04 of this Ordinance.

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

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Building and Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 311.04.

3.11.03 Complaints Regarding Violations

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

3.11.04 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a minor misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from such other lawful action as is necessary to prevent or remedy any violations.

Penalties as above shall apply unless penalties are delineated for specific sections of this Ordinance, in which case the penalties delineated in those sections shall apply.

3.11.05 Void Zoning Permit

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued contrary to the provisions of this Ordinance by the Building and Zoning Inspector.
- B. The Zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred.

When a zoning permit has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to Section 2.02 (h) of this Ordinance, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning permit has been issued.

ARTICLE IV

AMENDMENTS

Section 4.01 Power of City Council

Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning Commission shall submit its recommendations regarding all application or proposals for amendments or supplements to Council.

Section 4.02 Invitation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Planning Commission by City Council.
- B. By the adoption of a motion by the Planning Commission submitting the proposed amendment to City Council.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his designated agent, within the area proposed or affected by the said statement.

Section 4.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Building and Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Building and Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fayette County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Building and Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.

- I. A fee as established by the City Council.

Section 4.04 Transmittal of Resolution to Planning Commission

Upon referral of the proposed Ordinance by City Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent said proposed amendment or application shall be transmitted to the Planning Commission.

Section 4.05 Recommendation by Planning Commission

Within sixty (60) days after the first regular meeting of the Planning Commission after the receipt of the proposed amendment, the Planning Commission shall recommend to the City Council that the amendment be approved as requested, or it may recommend that the amendment be denied. A public hearing shall be held by the Planning Commission for consideration of the proposed amendment to the Zoning Ordinance or Map unless the Planning Commission decides by affirmative vote that a hearing is not needed in the specific case being considered. Notice of the time, place and purpose of such hearing shall be given by:

- A. Publication at least once in a newspaper of general circulation in the Municipality; the publication shall be not less than ten (10) days prior to the date of the hearing.
- B. here the proposed amendment is to effect a change in the District Map, and less than ten (10) parcels are proposed to be rezoned, written notice of the hearing shall be mailed by the Secretary of the Planning Commission, by first class mail, at least 5 days prior to the date of such hearing, to the owner(s) of all property within 200 feet of adjoining property. The failure of delivery of such notice shall not invalidate the proceedings or findings of the Planning Commission.

If a public hearing is held, notice of the hearing shall also be mailed by the Building and Zoning Inspector, to other interested parties, as determined by the Chairman of the Planning Commission.

Section 4.06 Action by City Council

- A. Public Hearing

Before the proposed Ordinance may be passed, the City Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the City. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Building and Zoning Inspector, by first-class mail, at least 20 days before the date of the public hearing to the owners of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the Fayette County Auditor's current tax list. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

B. Display of Relevant Materials

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports submitted by the Planning Commission shall be on file, for public examination in the Municipal Offices.

C. Action by City Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the City Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the City Council.

D. Effective Date and Referendum

Such amendment adopted by City Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Clerk of Council a petition, signed by a number of qualified voters residing in the City equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election.

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

ARTICLE V

APPEALS AND VARIANCES

Section 5.01 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Building and Zoning Inspector or with the Board of Zoning Appeals, a notice of appeal specifying the decision of the Building and Zoning Inspector which the appeal is being taken.

Section 5.02 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of the Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and building involved. No variance from strict application of any provision of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 5.03 Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Building and Zoning Inspector. An application for a variance or appeal shall be filed in triplicate with the Building and Zoning Inspector on a form as specified for that purpose. The Building and Zoning Inspector shall forward a copy of the application to the Board of Zoning Appeals within five (5) days from receipt of the completed application.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Fayette County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property as appearing on the Fayette County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
 1. The use for which variance or appeal is sought.
 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 3. The specific reasons why the variance or appeal is justified, according to Section 5.02 a-e.

Section 5.04 Supplementary Conditions and Safeguards

In gaining any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.11 of this Ordinance.

Section 5.05 Public Hearing by the Board

The Board shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from the Building and Zoning Inspector or an applicant.

Section 5.06 Notice of Public Hearing

Before holding the public hearing pursuant to Section 5.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 5.07 Notice of Parties of Interest

Before holding the public hearing pursuant to Section 5.05, written notice of such hearing shall be mailed by the Building and Zoning Inspector of the City, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified in Section 5.06. Parties of interest shall include owners and occupants of property within 200 feet from, contiguous to, and directly across the street from the property being considered.

Section 5.08 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 5.05, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.04, or disapprove the request for appeal or variance. If the application is approved, or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding 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. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Building and Zoning Inspector, who shall forward such copy to the applicant.

ARTICLE VI

CONDITIONAL USES

Section 6.01 Purpose

Under some unusual circumstances, a use which more intensely affects an area than those uses permitted in the zoning district in which it is located may nevertheless be desirable and also compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts. The Board of Zoning Appeals may allow such a use to be established as a conditional use where these unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Ordinance.

Section 6.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed in triplicate with the Building and Zoning Inspector who shall forward within (5) days a copy to the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Fayette County Recorder's office.
- C. Description of existing use.
- D. Present zoning district.
- 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, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.
- H. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Fayette County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.
- I. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

Section 6.03 General Standards for Conditional Uses

The Board shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of purpose of this Zoning Ordinance.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will not be hazardous to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities and serves such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- E. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- F. 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 doors.
- G. Will have vehicular approaches to the property which shall be so designated as not to create in interference with traffic on surrounding public streets or roads.

Section 6.04 Supplemental Conditions

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Ordinance.

Section 6.05 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 6.02 unless the Board decides by affirmative vote that a hearing is not needed in the specific case being considered. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for appeals and variances as specified in Section 5.06 and 5.07 of this Ordinance.

Section 6.06 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 6.05, the Board shall either approve, approve with supplementary conditions as specified in Section 6.04, or disapprove the application as presented. if the application is approved with supplementary conditions, the Board shall direct the Building and Zoning Inspector to issue a zoning permit listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

Section 6.07 Expiration and Revocation of Zoning Permit Issued Under

Conditional Use Provisions

The approval of the zoning permit issued in accordance with Section 6.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning permit upon written evidence by any residents or official of the City of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.

The Board may grant an extension of a zoning permit issued in accordance with Section 6.06 for an additional period of six (6) months.

ARTICLE VII

NONCONFORMING USES

Section 7.01 Intent

Within the districts established by this Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed and to permit reasonable extensions as allowed by law, but not to encourage their survival.

Section 7.02 When Permitted

7.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning ordinance in effect in the Municipality at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Ordinance.

7.02.02 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Ordinance, upon which property the work changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the nonconforming use for which such changing, remodeling, or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Ordinance or amendment thereto making said use nonconforming.

Section 7.03 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change shall be authorized by the Board of Zoning Appeals to any use which is not permitted or conditional use in any "R" District, and in a nonresidential district, no change shall be authorized to any use which is not permitted or

conditional use in that district where the nonconforming use is first listed.

Section 7.04 Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding twenty percent (20%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of the provision of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.

Section 7.05 Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

Section 7.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within eighteen (18) months, and that such restoration or rebuilding would not extend or expand the existing use.

Section 7.07 Maintenance and Repair

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. Whom required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. however, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 7.08 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling or accessory building if the lot is already occupied by a one-family residence, may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has minimum of thirty-five (35) feet frontage on a public street; and further provided the following conditions are complied with:

- A. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required minimum width of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than four (4) feet.
- B. For lots having a depth of less than 110 feet, the depth of the rear yard need not exceed 25 percent of the total depth of the lot, but shall not be less than 20 feet.

ARTICLE VIII

ZONING DISTRICTS AND OFFICIAL ZONING DISTRICT MAP

Section 8.01 Zoning Districts Established

The following zoning districts are hereby established for the City of Washington:

- R-1A - Low-Density Single-Family Residential District
- R-1B - Medium Density Single-Family Residential District
- R-1C - Urban Neighborhood Single-Family Residential District
- R-2 - Two Family Residential District
- R-3 - Multiple Family Residential District
- R-4 - Mobile Home Residential District
- RO - Residential Office District
- B-1 - Neighborhood Business District
- B-2 - Downtown Business District
- B-3 - General Business District
- CF - Community Facilities District
- LI - Limited Industrial District
- GE - General Employment District
- FP - Flood Plain Overlay District
- HD - Historic District (Overlay)
- PUD - Planned Unit Development District

Section 8.02 Official Zoning Map

The Districts established in Section 8.01 of this Ordinance are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the City Manager and President of Council, and shall be on file in the Municipal Offices.

Section 8.03 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of a zoning district shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. Where district boundaries are indicated as approximately following a street, highway or railroad line, the actual street, highway or railroad lines shall be construed as the boundaries.
- B. Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.
- C. Where a district boundary follows a stream, lake, or other body of water, the boundary line shall be construed to be at the centerline of such body of water.
- D. Where a boundary between two zoning districts divides a lot or parcel which was in a single ownership and/or parcel which was in single ownership and of record at the time

of enactment of this Ordinance, the district boundary lines shall be determined by use of the scale shown on the Zoning Map.

- E. Where district boundary lines are undefined or their locations uncertain, the matter shall be determined by the Board of Zoning Appeals.

Section 8.04 Newly Annexed Areas

Territory which is annexed into the City of Washington subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the R-1A District. Within three (3) months from the date of annexation, the Planning Commission shall make a recommendation for the annexed territory to City Council. In making such recommendation, the Planning Commission may consider the input of the City administration, owners of the subject or adjacent property and/or consultants to the City. City Council shall hold a public hearing on the proposed zoning plan, as recommended by the Commission. Notice of such hearing shall be given in a newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. After said hearing, City Council shall approve, or approve with modification the zoning plan.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article IV of this Ordinance.

ARTICLE IX

STANDARD ZONING DISTRICT REGULATIONS

Section 9.01 Regulation of the Use and Development of Land or Structures

Regulation pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article VIII, are hereby established and adopted.

Section 9.02 Rules of Application

9.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

9.02.02 Permitted Uses

Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited except, when in character with the zoning district, such additional uses may be added to permitted uses by formal amendment, in conformance with the procedures specified in Article IV of this Ordinance. No more than one (1) permitted use shall exist on any one zoning lot.

9.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental to and customary in connection with the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Section 25.06.

9.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article VI of this Ordinance.

9.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for a use not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualifies as a similar use under the provisions of this Section, shall be submitted to the Planning Commission.

Prior to taking action on the inclusion of a use as a similar use, the Planning Commission shall hold a public hearing. The public hearing shall be advertised according to the requirements of Section 4.05 A of this Ordinance.

Within thirty (30) days after the public hearing, the Planning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning Commission shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- D. Such use does not create traffic congestion to a greater extent than uses listed in the classification to which it is to be added.

9.02.06 Development Standards

Development standards set forth shall be the minimum allowed for development in a district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

9.02.07 Essential Services

Essential Services, as defined and specified in Article XXXIII of this Ordinance, shall be permitted in any and all zoning districts within the

municipality. buildings housing those activities related to such services shall be permitted in the CF District.

ARTICLE X

(R-1A) LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

Section 10.01 Purpose

This district is established to provide areas for single-family suburban type residential development at low densities, on land which is generally vacant at the time of development, and to discourage large concentrations of intensive development where that intensity would be inconsistent with the existing character of the area.

Section 10.02 Permitted Uses

- A. One-family detached dwellings

Section 10.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- D. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the regulations of XXIX.
- E. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and is located not less than 40 feet from any adjoining property lines and complies with the provisions of Article XXXI of this Ordinance.

Section 10.04 Conditional Uses

- A. Home occupations, subject to the regulations of Section 25.08 of this Ordinance.

Section 10.05 Development Standards

10.05.01 Lot Area

15,000 square feet, provided the area is served by public water and sewer. If the area is not served by public water and sewer, the minimum lot area shall be one (1) acre, or as required by the Fayette County Health

Department.

10.05.02 Minimum Lot Width

For each principal use, there shall be lot width of not less than ninety (90) feet with frontage on a publicly dedicated, improved street or highway.

10.05.03 Minimum Front Yard Depth

Thirty (30) feet.

10.05.04 Minimum Side Yard Width

Ten (10) feet.

10.05.05 Minimum Rear Yard Depth

Forty (40) feet.

10.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XI
(R-1B) MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT
Section 11.01 Purpose

This district is established to accommodate single-family residential development at densities similar to what currently exists in specific areas of the City. Property in this district is to be served by public water and sewer.

Section 11.02 Permitted Uses

Use(s) permitted in the R-1A District

Section 11.03 Accessory Uses

Use(s) listed as accessory uses in the R-1A District.

Section 11.04 Conditional Uses

Use(s) listed as conditional uses in the R-1A District.

Section 11.05 Development Standards

- 11.05.01 Lot Area
10,000 square feet
- 11.05.02 Minimum Lot Width
For each principal use, there shall be lot width of not less than seventy-five (75) feet with frontage on a publicly dedicated, improved street or highway.
- 11.05.03 Minimum Front Yard Depth
Thirty (30) feet.
- 11.05.04 Minimum Side Yard Depth
Eight (8) feet
- 11.05.05 Minimum Rear Yard Depth
Forty (40) feet
- 11.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XII

(R-1C) URBAN NEIGHBORHOOD SINGLE FAMILY RESIDENTIAL DISTRICT

Section 12.01 Purpose

This district is established to provide for single-family residential housing sites within the older portions of the City at densities consistent with existing development on platted lots, thereby increasing the diversity of housing choice and encouraging the revitalization of existing areas, while maintaining adequate standards.

Section 12.02 Permitted Uses

Any use of structure specified as a permitted use in the R-1A District.

Section 12.03 Accessory Uses

Any use or structure specified as an accessory use in the R-1A District.

Section 12.04 Conditional Uses

Any use or structure specified as a conditional use in the R-1A District.

Section 12.05 Development Standards

12.05.01 Lot Area

For each principal use, there shall be a lot area of not less than 5,000 square feet.

12.05.02 Minimum Lot Width

Fifty (50) feet of lot with frontage on a publicly dedicated, improved street or highway.

12.05.03 Minimum Front Yard Depth

Twenty-Five (25) feet

12.05.04 Minimum Side Yard Depth

Five (5) feet

12.05.05 Minimum Rear Yard Depth

Thirty-five (35) feet

12.05.06 Maximum Building Height

Thirty-five (35) feet

**ARTICLE XIII
(R-2) TWO-FAMILY RESIDENTIAL DISTRICT**

Section 13.01 Purpose

This district is established to encourage the orderly development of two-family residential dwellings, and customary related facilities.

Section 13.02 Permitted Uses

- A. Two family dwelling units.
- B. Single family dwelling units.

Section 13.03 Accessory Uses

- A. Any use specified as an accessory use in the R-1 District.

Section 13.04 Conditional Uses

- A. Home occupations, as regulated in Section 25.08 of this Ordinance.
- B. Congregate or group homes, provided that the following provisions are met:
 - 1. The facility shall obtain all approvals and/or licenses as required by state and local laws.
 - 2. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
 - 3. No exterior alterations of the structure shall be made which depart from its appearance as a residential structure, or would be inconsistent with the residential character of the surrounding neighborhood.
 - 4. No group home shall be located within 1,000 feet from any other such facility within a given neighborhood.
 - 5. Such facilities shall be required to provide appropriate sleeping quarters without using normal living area, such as living rooms, dining room or kitchen for sleeping.
 - 6. Such facilities shall meet all applicable local and/or state building, safety and fire codes.

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

- A. 4,000 square feet per dwelling unit for two-family dwellings and congregate or group homes: 6,000 square feet per dwelling unit for single-family residences. All lots within the R-2 District shall be served by public water and sewer facilities.

B. Only one permitted or conditional use shall be allowed on a zoning lot, and lot shall be covered no more than 30 percent by the structure.

13.05.02 Minimum Lot Width

Seventy-five (75) feet of lot width with frontage on a publicly dedicated and improved street or highway.

13.05.03 Minimum Front Yard Depth

Twenty-five (25) feet.

13.05.04 Minimum Side Yard Width

Eight (8) feet.

13.05.05 Minimum Rear Yard Depth

Forty (40) feet, or twenty percent (20%) of lot depth, whichever is less.

13.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XIV
(R-3) MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 14.01 Purpose

This district is established to accommodate multiple-family residences at overall housing densities consistent with those existing in the area. The objective is to provide for the continuance, redevelopment and/or limited expansion of multiple family developments in areas best equipped to accommodate such higher density development.

Section 14.02 Permitted Uses

- A. Multiple-family structures having two or more dwellings per structure.

Section 14.03 Accessory Uses

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

Section 14.04 Conditional Uses

- A. Nursery schools and day care centers.
- B. Congregate or group homes, subject to the same provisions of Section 13.04 of this Ordinance.

Section 14.05 Development Standards

- 14.05.01 Minimum Lot Area
4,000 square feet per dwelling unit for two-family dwellings. 3,500 square feet per dwelling unit for all other multiple-family dwellings.
- 14.05.02 Minimum Lot Frontage
Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.
- 14.05.03 Minimum Front Yard Depth
Twenty (20) feet.

14.05.04 Minimum Side Yard Width

Ten (10) feet.

14.05.05 Minimum Rear yard Depth

Forty (40) feet.

14.05.06 Maximum Building Height

Thirty-five (35) feet.

14.05.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Article 28.03 B of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

14.05.08 Landscaping

If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required to meet the requirements of Article XXVIII of this Ordinance.

14.05.09 Open/Play Area

Buildings or structures shall not occupy more than 60 percent (60%) of the total lot. For each five (5) units, or portion thereof, there shall be provided a open space or play area of not less than 1,000 square feet in size. The design and configuration of such open area shall be approved by the Planning Commission. Such open area shall be maintained by the owner of the multiple-family complex.

ARTICLE XV

(R-4) MOBILE HOME RESIDENTIAL DISTRICT

Section 15.01 Purpose

The Mobile Home Residential District is established to provide areas for mobile home communities which will be located, designed, and improved so as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without promoting undue traffic on minor streets in adjoining residential neighborhoods, and overall accessibility equivalent to that for other forms of permitted residential development.

Section 15.02 Definitions

- A. "Manufactured Housing" shall mean a building designed for residential use, which has all of the following:
 - 1. It is mass-produced in a factory.
 - 2. It is designed and constructed for transport to a site for installation and use when connected to the required utilities.
 - 3. It is either an independent, individual building or module for combination with other elements to form a building on the site.

- B. "Mobile Home" shall mean manufactured housing which is constructed on a chassis. A mobile home shall be construed to remain a whole home, subject to all regulations applying thereto, whether or not wheels, axles, hitches or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A travel trailer or other form of recreational vehicle shall not be construed as a mobile home.

- C. "Mobile Home Community" - A mobile home development, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings, and/or areas, common open space, and the like.

Section 15.03 Permitted Uses

- A. One-and-two family detached, semi-detached, and attached dwellings.
- B. Mobile home communities.
- C. Public or private parks or playgrounds.

Section 15.04 Accessory Uses

- A. Uses and structures incidental and accessory to specified permitted uses to

include common areas, community/recreational facilities and offices for rental and management of units therein.

Section 15.05 Development Standards

The following standards for the arrangement and development of land and buildings are required in the R-4 District.

15.05.01 Minimum Lot Area

- A. The minimum lot area for any mobile home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) mobile homes per acre.
- B. Individual mobile home lots shall not be less than 2,500 square feet.
- C. For any other permitted use, the minimum lot area shall be not less than 7,000 square feet.

15.05.02 Minimum Lot Width

- A. The minimum lot width for any mobile home community shall be not less than 250 square feet. Frontage shall be provided on a publicly dedicated and improvement street. The ratio of width to depth shall not exceed one to five (1-5).
- B. The minimum lot width for any individual mobile home lot shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall not be less than 75 feet.

15.05.03 Minimum Front Yard

- A. The minimum front yard depth for any mobile home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be 25 feet.

15.05.04 Minimum Side Yard Width

- A. The minimum side yard width for any mobile home community shall be not less than thirty-five (35) feet.
- B. The minimum side yard width for any individual mobile home lot shall be not less than eight (8) feet.
- C. For any other permitted uses, the minimum side yard width shall be not less than eight (8) feet, with a minimum of twenty (20) feet for the sum of side yards.

15.05.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any mobile home community shall be not less than thirty-five (35) feet.
- B. The minimum rear yard depth for any individual mobile home lot shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than forty (40) feet.

15.05.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual mobile home lot.

15.05.07 Required Open Space and Recreational Areas

- A. At least fifteen percent (15%) of the gross land for any mobile home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities.

Such recreational areas shall not include streets or parking areas, shall be closed to motorized traffic except for maintenance and service vehicles, and shall be landscaped, improved and maintained for the uses intended.

- B. At least ten percent (10%) of the gross land area of each individual mobile home lot shall be provided as an outdoor living area. Such outdoor living area shall be not counted any portion of the required common recreational area referenced in Section 15.05.07A above.

Such outdoor living area shall be properly drained, located for optimum use, and fenced or planted to provide for reasonable privacy. A portion of the outdoor living area may be covered by a roof or outdoor storage shed, provided the provisions of Section 15.05.06 are followed.

15.05.08 Maximum Building Height

Twenty-five (25) feet.

15.05.09 Anchors and Skirting

Each mobile home shall be provided with anchors and tie-downs suitable to insure the securing and stability of the mobile home. Each mobile home shall be provided with a suitable skirt, entirely enclosing the area below the floor of the structure to the ground.

15.05.10 Off-Street Parking

Off-street parking for permitted uses other than mobile home communities shall be provided as required in Article XXVI of this Ordinance, and as herein specified.

In mobile home communities, parking spaces shall be provided for two (2) vehicles for each mobile home. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 200 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community. Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

15.05.11 Lots and Locations of Dwellings on Lots; Occupancy

- A. Location on the lot shall be suitable for the type of dwelling proposed, considering size, required open spaces, and manner of support.
- B. Any improvements on the lot, including those necessary for the support or anchoring of the dwelling as required by this Ordinance, shall be provided to the dwelling prior to the granting of a certificate of occupancy..
- C. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

15.05.12 Access

All mobile home communities shall have direct access to collector streets with a right-of-way of not less than 60 feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use

of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

15.05.13 Streets and Street Layout

All streets, whether private or dedicated to the City, providing access to the individual lots in a mobile home community, shall be dimensioned and improved in accordance with the standards and requirements of the Subdivision Regulations of the City of Washington.

The proposed layout of streets within a mobile home community shall be approved by the Planning Commission. In making such determinations, the Planning Commission may procure the assistance of an engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Occupancy.

15.05.14 Landscaping

The landscaping of side and rear lots of a mobile home community shall be required. All landscaping shall meet the requirements of Article XXVIII of this Ordinance. All required landscaping shall be in place prior to the granting of any Certificate of Occupancy.

15.05.15 Water and Sewer

Any mobile home community shall be provided with a water and sanitary sewer distribution system, serving each individual mobile home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency and the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificate of Occupancy.

15.05.16 Storm Drainage

All areas within a mobile home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant and approved by the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Occupancy.

15.05.17 Underground Utilities

All utility lines, including electricity, telephone, and cable

television shall be located underground.

15.05.18 Trash and Garbage Control

All trash and garbage should be stored in container systems which are located and enclosed in a manner which provides ease of access to individual mobile home lots, while effectively screening them from view. Screening of trash and garbage areas shall meet the requirements of Article XXVIII of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the mobile home community.

15.05.19 Fire Protection

Within each mobile home community there shall be provided a fire protection system approved by the local fire authority. Standard fire hydrants shall be located within 400 feet of all mobile lots, or another system constructed which in the opinion of the local fire authority provides an equal or greater measure of protection.

15.05.20 Signage

Signage requirements shall be specified in Article XXVII of this Ordinance.

**ARTICLE XVI
(RO) RESIDENTIAL OFFICE DISTRICT**

Section 16.01 Purpose

The RO District is to be used in residential areas along major thoroughfares that are subject to development pressure for commercial use. The intent of the district is to provide for small low-intensity administrative and professional office use in a regulated environment that will retain the area's residential character.

Section 16.02 Permitted Uses

- A. Any use or structure specified as permitted in the R-1A District.
- B. Two-family dwellings.
- C. Home occupations, as regulated in Section 25.08 of this Ordinance.
- D. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers subject to the provisions of Section 16.05, consisting of:
 - 1. Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers.
 - 3. Real Estate sales and associated services.
- E. Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions subject to the provisions of Section 16.05.

Section 16.03 Accessory Uses

- A. Private detached garages or carports; storage sheds and buildings.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- C. Dishes and other devices for reception of television signals, provided such device is for the sole use by their occupants of the principal use of the property and such device is not located in a front or side yard.

Section 16.04 Conditional Uses

- A. Bed-and-Breakfast Inns, provided that the owner/operator resides on the premises, and that the provisions of Section 16.05 B through G are met.

Section 16.05 Special Provisions For Office and Conditional Uses

A. Hours

Permitted uses shall be conducted principally in daylight hours

B. Nuisance

Permitted uses shall not create a nuisance from noise, smoke or odor.

C. Appearance

Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.

D. Lighting

Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.

E. Signage

Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated.

F. Storage

Storage of materials and equipment shall be within enclosed buildings.

G. Parking

Sufficient off-street parking shall be provided as specified in Article XXVII. All parking shall be located in the rear yard.

Section 16.06 Development Standards

Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the R-1C District.

Section 16.07 Additional Information Required for Zoning Amendment

Due to special conditions inherent to this district, additional information may be required of an applicant seeking a rezoning of property to the RO District. Such information shall be specified by the Planning Commission and may include site layout, dimensions of driveways and

entrances, vehicular circulation patterns, location of off-street parking spaces, and landscaping.

ARTICLE XVII

(B-1) NEIGHBORHOOD BUSINESS DISTRICT

Section 17.01 Purpose

The purpose of the Neighborhood Business District is to provide for the orderly development of neighborhood shopping facilities serving the regular day-to-day convenience shopping and personal service needs of nearby residents. Commercial establishments within the B-1 District will be more closely associated with the residential land uses at the neighborhood level, more restrictive requirements related to size and scale, open space, and landscaping are necessitated than in other commercial districts.

Section 17.02 Permitted Uses

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.

- B. Professional offices engaged in providing services to the general public consisting of:
 - 1. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 2. Other health or allied medical facilities.
 - 3. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 4. Accounting, auditing and other bookkeeping services.

- C. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure, including:
 - 1. Food and food products, consisting of: grocery stores, meat and fish markets, fruit stores and vegetable markets, and specialty stores such as bakery, candy or confectionery.
 - 2. Proprietary drop and hardware stores.
 - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the

Neighborhood Business District.

- D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:
 - 1. Restaurants, but not including restaurants with drive-through facilities.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops, having not more than three work stations.
 - 4. Funeral services.
 - 5. Human medical clinics.
 - 6. Radio, television or small appliance repair.
 - 7. Commercial photography.
 - 8. On-premises duplication services.

- E. Nursery schools and day care facilities.

Section 17.03 Conditional Uses

- A. Veterinary offices, not including outside boarding of animals.
- B. Multiple-family residences, subject to the development standards of the R-3 District.

Section 17.04 Development Standards

17.04.01 Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

17.04.02 Lot Width

No minimum lot width is required; however all lots shall abut an improved public street designated on the City of Washington Thoroughfare Plan as having not less than collector status. All lots shall have adequate width to provide for required parking and yard area.

17.04.03 Front Yard Setback

The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.

17.04.04 Side Yards

For new principal structures, including service and loading areas, the required side yard shall be not less than one-fourth (1/4) the sum of the height and depth of the building; but in no case shall be less than fifteen (15) feet, unless adjacent to any district where residences are a permitted use, wherein the side yard shall be no less than fifty (50) feet.

17.04.05 Rear yards

For new principal structures, the required rear yard shall be not less than one-fourth (1/4) the sum of the height and depth of the building; but in no case shall be less than twenty (20) feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than fifty (50) feet.

17.04.06 Additional Yard and Pedestrian Areas

Where new development in the B-1 District is located adjacent to a district where residences are a permitted use, the Planning Commission may require that at least five percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.

17.04.07 Maximum Building Size

Individual uses within B-1 District shall have usable floor area of not more than 5,000 square feet. individual buildings containing multiple uses within the B-1 District shall have a usable floor area of not more than 25,000 square feet.

17.04.08 Lighting

Lighting fixtures within the B-1 District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

17.04.09 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVI. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

17.04.10 Landscaping

the landscaping of all parking and service areas is encouraged in the B-1 District. If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, landscaping and screening shall be required in those yards to meet the requirements of Article XXVIII of this Ordinance.

17.04.11 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

ARTICLE XVIII

(B-2) DOWNTOWN BUSINESS DISTRICT

Section 18.01 Purpose

The purpose of the Downtown Business District is to provide for a wide range of commercial, retail and service facilities of such a nature as to be compatible with the specific environment of the downtown area. The Downtown Business District is intended to provide for a more intensive type of commercial activity than in the B-1 District, however, such activity should be pedestrian-oriented, and compatible with the reuse of existing older structures.

Section 18.02 Permitted Uses

- A. Administrative, Business and Professional offices as permitted in Section 17.02A and 17.02B.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
 - 1. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the Downtown Business District.
 - 2. General merchandise, consisting of: department stores, and limited price variety stores.
 - 3. Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.
 - 4. Building material retail stores, not having outside storage or material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
 - 5. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
 - 6. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other retail stores which conform to the purpose and intent of the Downtown Business District.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - 1. Restaurants, but not including restaurants with drive-through facilities.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops.

4. Dry-cleaning establishments.
 5. Funeral Services.
 6. Human medical and dental clinics.
 7. Radio, television, or small appliance repair.
 8. Public and private parking areas.
 9. On-premises duplication facilities.
- D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
 - E. Buildings for the warehousing and/or storage of materials.
 - F. Public facilities such as governmental offices, post office, police and fire stations, libraries, museums, private schools, and public parks.
 - G. Public parking areas.
 - H. Similar Uses, which conform to the purpose and intent of the Downtown Business District, as determined by the Planning Commission in accordance with the provisions of Section 9.02.05 of this Ordinance.

Section 18.03 Conditional Uses

- A. Hotels and Bed-and-Breakfast Inns

Section 18.04 Development Standards

- 18.04.01 Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- 18.04.02 Lot Width

No minimum lot width is required.
- 18.04.03 Front Yard Setback

The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall be not less than twenty (20) feet measured from the street right-of-way.
- 18.04.04 Side Yards

No minimum side yard shall be required unless the building or structure is adjacent to an R District, in which case the side yard shall be fifteen (15) feet.
- 18.04.05 Rear Yards

No minimum side yard shall be required unless the building or structure is

adjacent to an R-District, in which case the rear yard shall be twenty (20) feet.

18.04.06 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVI.

18.04.07 Landscaping

The landscaping of all parking and service areas is encouraged in the C-2 District. If side or rear yards are adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Article XXVIII of this Ordinance.

18.04.08 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. the disposal of trash and maintenance of the area shall be the responsibility of the Owner and of the property.

ARTICLE XIX

(B-3) GENERAL BUSINESS DISTRICT

Section 19.01 Purpose

The General Business District is established to provide areas for the growth of businesses that generate a high degree of activity dependent on high traffic volumes. These uses, by their nature, increase traffic congestion of abutting public roadways and cause specific impacts on adjacent uses. The intent of the B-3 District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the City, while minimizing negative impacts on adjacent land uses.

Section 19.02 Permitted Uses

- A. Any use or structure specified as a permitted or conditional use in the B-2 District.
- B. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- C. Lumber and home improvement sales.
- D. Motor vehicle sales.
- E. Automobile service establishments, including gasoline service stations, but not including truck servicing establishments.
- F. Hotels and motels
- G. Garden Centers
- H. Carry out food and beverage establishments with drive-through facilities.
- I. Similar uses, as determined by the Planning Commission, in accordance with the provisions by Section 9.02.05 of this Ordinance.
- J. Off-premises signs, subject to the regulations of Section 28.06 of this Ordinance.

Section 19.03 Conditional Uses

- A. Self-service car washes
- B. truck servicing establishments provided such establishments are located adjacent or with direct access to a state highway.
- C. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.

Section 19.04 Development Standards

19.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

- 19.04.02 Minimum Lot Width
100 feet of frontage on a publicly dedicated and improved street or highway which is designated as not less than arterial status on the Washington Thoroughfare Plan.
- 19.04.03 Minimum Front Yard Depth

Forty (40) feet
- 19.04.04 Minimum Side Yard

A. When abutting a non-residential zoning district: Twenty (20) feet for structures, ten (10) feet for paved areas.
B. When abutting a residential zoning district: fifty (50) feet for structures, thirty-five (35) feet for paved areas.
- 19.04.05 Minimum Rear Yard

A. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.
B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.
- 19.04.06 Building Height

Thirty-five (35) feet.
- 19.04.07 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVI. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.
- 19.04.08 Landscaping

the landscaping of all parking and service areas is encouraged in the B-3 District. If side or rear yards are located adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Article XXVIII of this Ordinance.
- 19.04.09 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

ARTICLE XX

(CF) COMMUNITY FACILITIES DISTRICT

Section 20.01 Purpose

"Community Facilities", as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 20.02. The Community Facilities District and regulations are established in order to achieve the following purposes:

- A. To provide a proper zoning classification for governmental, civic, welfare and recreational facilities in proper locations and extent so as to promote the general safety, convenience, comfort and welfare;
- B. To protect community facilities and institutions from the encroachment of certain other uses and to make such other compatible with adjoining residential uses; and
- C. To regulate the location of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.

Section 20.02 Permitted Uses

Buildings and land within the CF District shall be utilized only for the uses set forth in the following schedule:

Main Building and Uses

Governmental: Municipal, County State and Federal buildings for administrative functions and use by the general public.

Civic: Art galleries, libraries, museums, places for public assembly; memorials, monuments, fraternal organizations and private clubs.

Educational: Primary and secondary public, private or parochial schools, signs, nursery schools.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of

Accessory Buildings and Uses

Public Parking areas, maintenance facilities, signs, residence for custodians or guards.

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds,

Parking areas, signs.

children or senior citizens.

Senior Citizen Housing: Retirement centers, congregate care facilities.

Parking areas, signs.

Religious: Churches and places of worship.

Maintenance facilities and parking areas, signs.

Infrastructure and Public Service: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.

Parking areas, signs.

Radio and television antennas and antenna towers.

Parking areas, structures directly related to operation of facility, not including offices or broadcast studios.

Recreational: Public and private parks, recreation fields and playgrounds, lakes, cemeteries, golf courses, nature preserves, and similar open space facilities, not including such facilities developed for private use by occupants of a resident of the premises.

Parking areas, clubhouses, administrative and maintenance structures, mausoleums, signs.

Section 20.03 Lot and Area Regulations

The area or parcel of land for a permitted public facility shall be less than that required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted community facility shall be approved by the Planning Commission, pursuant to Section 20.05.

Section 20.04 Yard Regulations

A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

B. Side and Rear Yards

The yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

<u>Main Buildings and Uses</u>	<u>Minimum Yard-Side and Rear (ft)</u>
Governmental: Administrative Bldgs.	50
Civic: Non-assembly buildings	50
Assembly buildings	75
Educational: Public, private and parochial schools	75
Health Care: Buildings	50
Senior Citizen Housing	50
Religious: Churches and planned public worship	75
Infrastructure: Buildings	50
Radio and television antennas	100% of the height of the antenna and antenna tower.
Open Space and Recreation: Buildings	75

If the proposed community facility is located adjacent to a non-residential zoning district, then the side and rear yards shall not be less than the largest yard required in that district.

C. Driveways, Parking Areas, Play Areas

Driveways and parking areas serving the community facility may be located within the side or rear yard set forth in the above schedule but driveways shall be located not less than ten feet and parking areas less than twenty feet from adjacent lot line, and play areas shall not be located less than fifty feet from any adjacent district where residences are a permitted use.

Section 20.05 Approval by Planning Commission

In addition to the material required for the application for a zoning amendment, as specified in Section 4.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the CF District. Such development plan shall include a site plan for the proposed public facility, as well as any other information deemed necessary to determine compliance with this Ordinance.

The development plan shall be reviewed by the Planning Commission and considered in making its recommendation to City Council. The Planning Commission shall display the development plan at any public hearing held pursuant to Section 4.05 of this Ordinance. Criteria for reviewing a Development Plan for a community facility are as follows:

- A. The proposed building or use shall be located properly in accordance with this

Article

- B. The proposed public facility shall be located on a major arterial or collector street as shown on the Thoroughfare Plan, so as to generate a minimum of traffic on local streets. Elementary schools and playgrounds or parks intended for neighborhood use may, however, be located on local streets.
- C. The location, design and operation of the community facility shall not impose undue adverse impacts on surrounding residential neighborhoods.

Section 20.06 Action by City Council

In approving the redistricting of land into the CF District, City Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

Section 20.07 Compliance with Development Plan

The construction of all buildings and the development of the site within the CF District shall be in conformity and compliance with the approved Development Plan.

ARTICLE XXI

(LI) LIMITED INDUSTRIAL DISTRICT

(GE) GENERAL EMPLOYMENT DISTRICT

Section 21.01 Purpose

These regulations are established to provide for a range of industrial and other employment-generating activity, while protecting the health, safety and welfare of the users of the district and residents of the City. Two (2) separate industrial districts are established.

- A. LI - Limited Industrial District
This district provides areas where most industrial and industrial-related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.
- B. GE - General Employment District
This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

Section 21.02 Permitted and Conditional Activities

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 21.03.

ACTIVITY	DISTRICT	
	LI	GE
Industrial Categories		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehouse and Distribution	P	P
Sales and Service Categories		
• General Office Activities	C	P
• Personal Service	C	P
• Retail Product Sales and Service	P	P
• Vehicle Service	P	P
Other Activities		
• Radio/Television Broadcast Facility	P	C

- Off Premises Signs
- P= Permitted Activity
 C= Conditional Activity
 N= Not Permitted or Conditional

P P

Section 21.03 Activity Categories for Industrial Districts

21.03.01 Industrial Categories

A. Industrial Product Sales

Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.

Accessory Activities. Accessory activities may include administrative offices, product repair, and warehouses.

Examples. Industrial Product Sales activities may include: sale of machinery and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial Product Sales also include industrial equipment and vehicle rentals.

Exceptions. Firms that primarily engage in retail sales to the general public are classified as Retail Product Sales and Service.

B. Industrial Service

Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers, especially the general public, come to the site.

Accessory Activities Accessory activities may include administrative offices.

Examples. Industrial Service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair; truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; medical, research and testing laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photo-finishing laboratories.

C. Manufacturing and Production

Characteristics. Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw,

secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

Accessory Activities. Accessory activities may include: administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlet as an accessory to manufacturing plants shall be treated as Retail Product Sales and Service.

Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the Retail Product Sales and Service category.

D. Warehouse and Distribution

Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.

Accessory Activities. Accessory activities may include: administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.

Examples. Warehouse and Distribution firms may include: warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

21.03.02 Sales and Service Categories

A. General Office Activities

Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

Accessory Activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.

Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or Realtors; data-processing; sales offices; industrial or commercial company head-quarters when not adjacent with other portions of the firm; and government offices.

B. Personal Service

Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.

Accessory Activities. Accessory uses may include: administrative offices, product sales and laboratories.

Examples. Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit union; continuous entertainment activities such as arcades, bowling alleys, ice rinks, libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrists and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

C. Retail Product Sales and Service

Characteristics. Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.

Accessory Activities. Accessory uses may include: offices, storage and display of goods.

Examples: Examples include: stores selling apparel, housewares, furniture hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and house-hold moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TV's, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; on-site launderer, photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers, and furniture

refinishing.

Exceptions.

1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the Industrial Product Sales category.
2. Repair and service of consumer vehicles is classified in the Vehicle Service category. Repair of motor vehicles in conjunction with vehicle sales is classified in the Vehicle Service category.
3. Repair and service of industrial vehicles and equipment is classified in the Industrial Service category.

D. Vehicle Services

Characteristics. Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.

Accessory Activities. Accessory uses may include offices and sales of parts.

Examples. Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.

21.03.04 Other Activity Categories

A. Radio or Television Broadcast Facility

Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electro-magnetic radiation within the range of frequencies from 100 KHz to 300 KHz and operating as a separate unit to produce a signal or message.

B. Off-Premises Signs

Subject to regulations of Article XXVII of this Ordinance.

Section 21.04 Lot and Yard Requirements

21.04.01 Minimum Lot Area

No minimum lot area is required in the LI or GE Districts, however, lot area shall be sufficient to provide for all yards and distances as required by this Ordinance.

21.04.02 Lot Width

All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Ordinance.

21.04.03 Side Yards

for any structure or service area, within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

21.04.04 Rear Yards

For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.

21.04.05 Maximum Lot Coverage

For structures and paved areas within the LI or GE Districts, the maximum lot coverage shall be 75%. The Remainder of the site shall be landscaped in natural vegetation.

21.04.06 Distance from Residential Districts

A. In any land annexed to the City after the effective date of this Ordinance which is located in the LI District, no structure, service area or parking area shall be located less than 500 feet from any district where residences are a permitted use.

B. In any land within the City as of the effective date of this Ordinance which is located in the LI district, no structure, service area or parking area shall be located less than 200 feet from any district whose residences are a permitted use.

C. In no case shall any structure, service area or parking are in any GE District be located less than 200 feet from any district where residences are a permitted use.

Section 21.05 Exterior Development

21.05.01 Exterior Operations

Exterior Operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment.

Exterior operations shall not be permitted in the GE District, but shall be permitted in the LI District.

21.05.02 Exterior Storage

Exterior Storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the LI District but not permitted in the GE Districts, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission..

21.05.03 Exterior Display

Exterior Display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

Section 21.06 **Off-Site Impacts**

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning Commission from the owner. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the applicant.

A. Noise

The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.

B. Vibration

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.

C. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.

D. Dust and Smoke

The emission of smoke, soot, fly, ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.

E. Glare

Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

ARTICLE XXII

(FP) FLOODPLAIN DISTRICT (OVERLAY)

Section 22.01 Purpose

It is the intent of the Floodplain District (FP) to prohibit the use of floodplains for uses which could be detrimental to health and welfare. The Floodplain District (FP) is an overlay zoning district and the underlying district standards and requirements shall apply in addition to the Floodplain District (FP) regulations and requirements.

Section 22.02 Lands Subject to Flooding

For the purpose of this Ordinance, "floodplains" are defined as those lands subject to inundation by the 100-year flood, as identified in the engineering report entitled "Flood Insurance Study for the City of Washington, Ohio", with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated August 15, 1978, and any revisions thereto.

Section 22.03 Permitted Uses

The only uses allowed in the FP District are those which meet the requirements of Chapter 1331 of the Codified Ordinances of the City of Washington, Ohio, as amended, and which are permitted in the underlying zoning district.

Section 22.04 Development Standards

The standards for development within the FP District shall be as stated in Chapter 1331 of the Codified Ordinances of the City of Washington, Ohio, as amended, and as specified in the underlying zoning district.

ARTICLE XXIII

(HD) HISTORIC DISTRICT (OVERLAY)

Section 23.01 Purpose

The City of Washington contains numerous historic architectural and environmental assets that establish an environmental character. This environmental character is directly linked to the economic, social, historical and cultural health and well-being of the community. The purpose of the Historic District is to protect and preserve these assets and to prevent intrusions and alterations within the established districts which would be incompatible with their established character.

The Historic District is an Overlay District. This means that the requirements of this Article are requirements which must be met in addition to the established requirements and standards of the base district over which the Historic District is placed.

Section 23.02 Definitions

As used in this Article, the following words shall be defined as follows:

- A. "Alteration" means any action to change, modify reconstruct, remove or demolish any exterior features of an existing structure or site within the Historic District. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure or premises and to restore the structure as nearly as practicable, is excluded from the definition of "alteration", as provided such work does not involve a change in type of building materials.
- B. "Architectural Character" means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
- C. "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.
- D. "Board" means the Historic District Review Board of the City of Washington.
- E. "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Historic District.
- F. "District" means the Historic District.
- G. "Environmental Change" means the construction, alteration, demolition or

removal of any property subject to the provisions of this Article.

- H. "Preserve" or "preservation" means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.
- I. "Owner" shall mean the owner of record, and the term shall include the plural as well as the singular.

Section 23.03 District Boundaries

The Historic District shall consist of areas to be identified and designated by City Council under separate ordinance. The designation of such areas shall be made by Council after obtaining a recommendation from Planning Commission, and holding a public hearing. Prior to that hearing, notification shall be given to all property-owners and residents of the proposed district, pursuant to the same requirements for zoning amendment.

Section 23.04 Historic District Review Board

23.04.01 Establishment and Corporation

The Historic District Review Board is hereby established consisting of the five (5) members of the Planning Commission, and two additional members appointed by City Council for terms of three (3) years. Both additional members shall be residents of the City of Washington, and at least one of these two additional members shall be a resident or property-owner of the Historic District. In appointing these two additional members, the Council shall make good faith effort to appoint persons with professional training in the fields of architecture, landscape architecture, design or urban planning.

23.04.02 Procedures

The Historic District Review Board shall adopt its own procedural rules and guidelines.

Section 23.05 Certificate of Appropriateness Required

No environmental change shall be made to any property within the Historic District until a Certificate of Appropriateness has been properly applied for, and issued by the Board. No building permit or Certificate of Zoning Compliance shall be issued by the Building and Zoning Inspector for any construction, reconstruction, alteration or demolition of any structure now or here-after in the Historic District or subject to the Historic process, unless a Certificate of Appropriateness has been issued.

Section 23.06 Procedure for Certificate of Appropriateness

- A. The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Building and Zoning Inspector, along with such plans, drawings, specifications and other materials as may be needed by the Board to make a determination. At a minimum, such information shall include the following:
 - 1. Site Plan showing building outlines, dimensions and landscaping.
 - 2. A complete description of the proposed environmental change.
- B. Applications for a Certificate of Appropriateness shall be filed with the Building and Zoning Inspector at least fifteen (15) days prior to the meeting of the Historic District Review Board.
- C. The Board shall determine whether the proposed environmental change will be appropriate to the preservation of the environmental, architectural or historic character of the Historic District, pursuant to the criteria specified in Sections 23.07 and 23.08 below.
- D. In determining the appropriateness of a specific environmental change, the Board may conduct a public hearing on the project and/or solicit input from consultants to the City.
- E. If no action is taken within sixty (60) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law.

Section 23.07 Criteria of Evaluation of Application for Certification of Design Appropriateness

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Historic District Review Board shall consider the following:

- A. The visual and functional components of the building and its site, including but not limited to, building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- B. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance

inconsistent or inappropriate to the original integrity of the building shall be discouraged.

D. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

F. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or placement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.

G. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.

H. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

I. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

Section 23.08 Design Criteria

A. Existing Structures and Premises. Reconstruction or rehabilitation within the Historic District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.

B. New Construction. The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, material and color of other structures and premises within the individual precinct.

C. Materials.

1. All new structures and all reconstruction or remodeling of existing structures within the Historic District shall utilize natural traditional exterior materials such as brick, stone, masonry and

wood.

2. The use of contemporary materials, such as aluminum, other metals, fiberglass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of a structure.
- E. Color. Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure of property was originally built, shall be used for exteriors for all new structures to be build, and reconstruction, remodeling and exterior maintenance of existing structures within the Historic District.
- F. Signs. All signs within the Historic District shall conform to color and material standards of this Section, be of such a style or design that reflects the era during which the structure was build, and shall conform to the requirements of Article XXVII of this Ordinance. Sign size and shape shall also respond to the existing proportions of period structures, and signs shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.

Section 23.09 Demolition of Structures

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the Historic District, the Historic District Review Board shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions prevail.

- A. The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.
- B. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- C. Deterioration has progressed to the point where it is not economically feasible to restore the structure.

Section 23.10 Maintenance

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the Historic District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Building and Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition.

Section 23.11 Appeals

Any applicant aggrieved by any decision of the Board may appeal the decision to the City Council. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Clerk of City Council within thirty (30) days of the decision of the Board. The City Council may reverse, remand, or modify such decision and shall state the reasons therefore.

Section 23.12 Penalty

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Historic District in violation of this Article, shall be deemed to be guilty of a misdemeanor, subject to the penalties specified in Section 3.11.04.

ARTICLE XXIV

PLANNED UNIT DEVELOPMENT

Section 24.01 Purpose

The purpose of these regulations is to provide for Planned Unit Development (PUD) within the City of Washington in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and permitting an increased net density per acre.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The City of Washington is prepared to accept a higher density in undeveloped areas than that reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

Section 24.02 Definition

"Planned Unit Development" or PUD shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

Section 24.03 Interpretations

Whenever the requirements of this Article appear to be in conflict with other Sections of this Ordinance or with those of other existing codes, the provisions of this Article shall prevail.

Section 24.04 Permitted and Conditional Uses

Permitted uses within the R, B-1 and CF Districts may be combined in the PUD District, provided that the proposed location of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property, and that the location of such uses are specified in the preliminary and final development plans.

The amount of land devoted to non-residential uses in a development combining residential and non-residential uses shall require approval by the Planning Commission.

Section 24.05 Minimum Project Area

The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of ten (10) acres. This requirement may be waived by the Planning Commission if all property abutting the subject tract is platted and/or developed.

Section 24.06 Common Open Space

A minimum of twenty (20) percent of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities of the residents or users of the area being developed. Such common open space shall be:

- A. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning Commission subject to size, shape and locations; or,
- C. Some combination of A and B.

Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Board.

Section 24.07 Utilities

All electrical, telephone, cable television, and similar utility systems shall be located underground.

Section 24.08 Arrangement of Commercial Uses

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

Parking areas shall be designed so as to discourage single large unbroken paved lots and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Section 24.09 Residential Density

The maximum residential density shall be eight (8) dwelling units per acre, based on the number of units proposed divided by the area of the site designated for residential use, excluding streets and common areas.

Section 24.10 Private Roads

Private roads as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following:

- A. The easement shall not be counted as required open space.
- B. Approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures.

Private roads shall not be used to provide access to non-residential areas.

Section 24.11 Other Standards

The applicable sections of the City of Washington Subdivision Regulations, and the off-street parking, signage and landscaping regulations of this Zoning Ordinance shall apply.

Section 24.12 Procedure for Approval of PUD District

Planned Unit Development Districts shall be approved in accordance with the procedures specified in Sections 24.13 through 24.22 of this Section.

Section 24.13 Pre-Application

The developer is encouraged to meet with the Building and Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the Planned Unit Development process, and major thoroughfare plan, the subdivision regulations, and the drainage, sewer, and water systems within the City.

Section 24.14 Contents of Application for Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Planning Commission by at least one (1) owner of the property for which the planned unit development is proposed.

At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning districts.
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fayette County Auditor's current tax list.

- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 - 1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - 2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 - 3. Open space and the intended uses therein and acreage provided.
 - 4. Residential land uses summarized by lot size, dwelling type and density.
 - 5. Existing roads, buildings, and permanent facilities, easements, right-of-way and abutting property boundaries, and existing and proposed utilities.
 - 6. Physical features and natural conditions of the site including the location of vegetation and existing tree lines.
 - 7. Surface drainage and areas subject to flooding.
 - 8. Preliminary plan for water, sewer, storm drainage and other utility systems.

Section 24.15 Review Procedure

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Building and Zoning Inspector at least ten (10) days prior to the Planning Commission's next scheduled meeting. Failure to submit a complete application, as determined by the Building and Zoning Inspector, shall result in a refusal of acceptance.

The Building and Zoning Inspector shall transmit the complete application package to The Planning Commission, and other parties as the Building and Zoning Inspector deems appropriate, for review and comment.

A public hearing of the Planning Commission shall be held not more than forty-five (45) days from the date of acceptance of the application package. The procedure for notification of such hearing shall be set forth in Section 4.05 A and B of this Ordinance.

Section 24.16 Action by Planning Commission

Within thirty-five (35) days from the public hearing, The Planning Commission shall review the application for Preliminary Development Plan and forward one of the following recommendations to City Council:

- A. Recommend that the zoning amendment be granted as requested.
- B. Recommend modification of zoning amendment.
- C. Recommend that the zoning amendment be denied.

Section 24.17 Criteria for Recommendations by Planning Commission

Before making its recommendation as required in Section 24.16, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- C. Any proposed commercial development can be justified at the locations proposed.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the Planning Commission.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with planned capital improvements.

In making its recommendation, the Planning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

Section 24.18 Action by City Council

Upon receipt of the recommendations by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 4.06 of this Ordinance. Following approval by City Council, the subject shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

Section 24.19 Final Development Plan

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Planning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

Section 24.20 Contents of Application for Approval of Final Development Plan

An application for approval of the Final Development Plan shall be filed with the Building and Zoning Inspector at least ten (10) days prior to the Board's next scheduled meeting by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect, engineer, or landscape architect and, at a minimum, shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.

- G. Landscaping plans.
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

Section 24.21 Procedures for Review of Final Development Plan

A public hearing of the Planning Commission shall be set for not less than forty-five (45) days from the date of acceptance of the Final Development Plan by the Building and Zoning Inspector. The procedures for notification of the public hearing shall be set forth in Section 4.06 A and B of this Ordinance.

Section 24.22 Action by the Planning Commission

Within thirty-five (35) days of the public hearing, the Planning Commission shall approve, or approve with modification, the Final Development Plan if it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

Section 24.23 Expiration and Extension of Approval Period

The approval of the Final Development Plan shall be for a period of not to exceed three (3) years. If no construction has begun within three (3) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit may be approved if the Planning Commission finds that such extension is in the public interest.

Section 24.24 Platting

The creation of new parcels under any planned unit development shall be subject to platting under the City of Washington Subdivision Regulations. Failure to submit an application for platting of a portion of such property no later than twenty-four (24) months from the effective date of the rezoning shall render the zoning null and void and the property shall revert to its previous zoning classification.

To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District to initiate both rezoning and subdivision processes. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

ARTICLE XXV

GENERAL DEVELOPMENT STANDARDS

Section 25.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the City.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

Section 25.02 Front Yards

A. Front Yard Requirements

All front yard space shall be maintained in accordance with at least one of the following provisions:

1. Landscaped by lawns, shrubbery, trees or other plantings; maintained in a neat and orderly state.
2. In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXVI of this Ordinance.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets.

D. Open Porches

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than ten (10) feet.

E. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

Section 25.03 Side Yards

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet with minimum of two (2) feet maintained to any adjoining lot line.

Section 25.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 26.06.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet with a minimum of two (2) feet maintained to any adjoining lot line.

Section 25.05 Height

Height regulations, specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a structure, provided that the height of all structures and buildings, including those mentioned above, shall not constitute a hazard to safe landing and take-off of aircraft from an established airport.

Section 25.06 Accessory Uses or Structures

A. Height

An accessory use or structure shall not exceed eighteen (18) feet in height.

B. Location

An unattached accessory use or structure shall be located to the rear of the principal dwelling structure within any side or rear yard no closer than eight (8) feet from any side or rear lot line in an RIA or RIB District, and four (4) feet in any RIC or RO District.

C. Permitted Area

The total area of all accessory uses or structures shall not exceed 720 square feet or 40 percent (40%) of gross floor area of the principal use or structure, whichever is smaller, except for swimming pools which shall be exempted from these area requirements.

Section 25.07 Minimum Floor Area Requirements

No single family residential dwelling shall have gross floor area of less than 900 square feet, exclusive of open porches, garages, or steps. No two-family dwelling shall have gross floor area of less than 650 square feet for each family. No multiple family dwelling shall have a gross floor area of less than 600 square feet for each family.

Section 25.08 Home Occupations

Home occupations or professions shall be regulated as permitted or conditional uses pursuant to Articles X thru XVI. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than 15 percent (15%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square feet, attached flat against the structure.
- E. The sale of products, stock, or commodities shall be limited to those produced on the premises.
- F. Any need for parking generated by conduct of the home occupation shall meet off-street parking requirements of this Ordinance, and shall not be located in any front yard.
- G. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- H. No home occupation shall be conducted from any accessory building on the lot.

In particular, a home occupation shall consist primarily of rendering specific personal services, such as those performed by a seamstress, member of the clergy, physician, dentist, lawyer, engineer, architect, accountant, artist, or private teacher. The home occupation shall be performed by the occupant of the premises and shall include employment of not more than one (1) non-resident of the premises.

Section 25.09 Gasoline Service Stations

A. Minimum Lot Size

15,000 square feet.

B. Minimum Building or Structure Size

The building shall have an enclosed area of not less than 800 square feet if any service is offered on or from the premises other than the delivery of gasoline, diesel fuel or oil for use as vehicle fuel or lubrication. If a gasoline service station offers no service other than the deliver of gasoline, diesel fuel or oil into vehicles, the enclosed area of the building shall not be less than 600 square feet. No such limited gasoline service station may offer to provide lubrication, oil changes, repairs, or other equipment installation.

C. Minimum Frontage

The lot on which a gasoline service station is located shall have frontage of not less than 150 feet along a dedicated and improved street designated as not less than minor arterial status on the City of Washington Thoroughfare Plan. If a gasoline service station is located on the corner of two (2) or more intersecting streets, it shall have 150 feet of frontage on each intersecting street.

D. Location

No gasoline service station shall be located on any lot within 200 feet of any zoning district where residences are a permitted use.

E. Setbacks

The pump island setback in a gasoline service station, which shall be the minimum location for pumps dispensing fuel or oil products, shall be 40 feet from any right-of-way of any street, and 40 feet from any adjoining property line. Any building located on such premises shall be located not less than 50 feet from the right-of-way of any street.

F. Driveways and Parking Areas

Driveways and parking areas shall be paved and properly drained. The landscaping of areas along the perimeter of the lot is required, pursuant to Article XXVII.

G. Parking

Gasoline service stations shall be subject to the parking and loading provisions of Article XXVI of this Ordinance. In addition, no inoperable or damaged motor vehicle shall be parked outside a gasoline service station building in excess of 72 hours. Parking areas shall be located not closer than five (5) feet to the main building.

H. Outside Storage

Outside storage shall be in accordance with the following requirements:

1. All vending machines, except ice machines and telephone booths, shall be located inside the main building.
2. Only one permanent or one portable display rack for oil, antifreeze, or other automotive products shall be permitted on each pump island. No such rack shall be located closer than 25 feet to the street right-of-way line or adjoining property line. All other displays or merchandise outside the main building is prohibited.
3. All hydraulic hoists, oil pits, lubricants and greasing, and other repair equipment shall be enclosed completely within the main building.

I. Signs

All signs used in connection with gasoline service stations shall be in conformance with the regulations for General Retail and Commercial uses as specified in Article XXVII of this Ordinance.

ARTICLE XXVI

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 26.01 Purpose

The purpose of these requirements for off-street parking and loading facilities is to encourage the orderly development of parking areas within the City and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 26.02 Provision for Parking and Loading Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking and loading spaces in accordance with the provisions of this Article.

Section 26.03 General Specifications and Requirements

A. Area and Dimensions - Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>Width</u> <u>(Feet)</u>
Parallel Parking	9	23	12
30-53 Degree Angle Parking	13	20	15
54-75 Degree Angle Parking	10	20	20
75-90 Degree Angle Parking	10	20	20

B. Area and Dimensions - Loading Spaces

Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 Feet	12 Feet	15 Feet

C. Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved

street or alley.

D. Surfacing

All off-street parking and loading areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

All off-street parking and loading areas located in front yard setbacks, serving other single family residential uses, shall be paved with asphalt, Portland concrete, brick, or other material.

E. Lighting

Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

F. Location of Parking and Loading Spaces

1. Proximity to Street Right-of-Way

- a. For single - and two-family residential uses, no off-street parking space (or portion thereof) shall be located closer than five (5) feet to any established street right-of-way line.
- b. In the R-3 and RO Districts, no off-street parking space, or portion thereof, shall be located closer than 25 feet to any established street right-of-way line.
- c. In all other districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

2. Proximity to Use

- a. In the R, RO, CF, LI and GE Districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.
- b. In the B-3 District, required parking and loading spaces shall be provided either on the same lot, or within 100 feet

of the principal use which they serve.

- c. In the B-1 and B-2 Districts, required parking spaces may be located within 300 feet of the use they serve.

3. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of Section 26.03.06, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 26.04 of this Ordinance. A written agreement between the parties, stating the terms under which the proposed parking shall be developed and maintained, shall be filed with the application for a zoning permit. Such agreement may be submitted by the Building and Zoning Inspector to the City Law Director for review and comment prior to issuance of a zoning permit.

Section 26.04 Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment and/or inoperable vehicles shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding twelve (12) hours. The storage of such equipment shall be subject to the following requirements.

- A. Not more than two (2) pieces of recreational equipment, not more than one which can be a motor home, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. For multi-family uses, an area shall be designated for outdoor storage of recreational equipment and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.
- B. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.

Section 26.05 Required Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses.

Use

Number of Uses

A. Residential

1. One or two family residence Two (2) per dwelling unit.
2. Multiple family units. Two (2) per dwelling unit.
3. Institutional housing. One (1) per three (3) occupants plus one (1) for each employee for main work shift.

B. Recreational

1. Softball, baseball, football, soccer or similar organized sport playfield. 20 for each playfield, plus one (1) for each six (6) seats in stands.
2. Tennis, handball, or racketball courts. Three (3) for each court.
3. Bowling alleys. Five (5) per lane plus necessary spaces as required for affiliated uses, such as restaurants.
4. Community swimming pools. One (1) per 75 square feet of total water surface.
5. Theaters, stadium or sports arenas, auditorium or other assembly halls other than schools. One (1) for each four (4) seats.

L. Institutional

1. Churches and other places of public worship. One (1) for each five (5) seats in main auditorium.
2. Public or private school. Three (3) for each class- room or one (1) for each five (5) seats in main auditorium, whichever is greater.
3. Nursery School/Day Care. One (1) for each 15 students of proposed capacity.
4. Libraries, museums, comm- One (1) for each 400

	unity centers.	square feet of gross floor area.
5.	Civic, social, fraternal organizations.	One (1) for each three (3) persons allowed under maximum occupancy of main meeting room.
6.	Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift.
D.	<u>Commercial</u>	
1.	Food, department or general merchandise, hardware, drugs, and similar retail sales.	One (1) for each 200 square feet of gross floor area.
2.	Home furnishings, appliances, apparel, and similar retail sales.	One (1) for each 300 square feet of gross floor area.
3.	Eating and drinking establishments without drive through facilities.	One (1) for each 100 square feet of gross floor area.
4.	Restaurants with drive through facilities.	One (1) for each 75 square feet of gross floor area, plus additional spaces in the drive-through lanes equal to 25 percent (25%) of the required number of parking spaces.
5.	Personal services, including banks, savings and loans, repair services without drive-through facilities.	One (1) for each 200 square feet of gross floor area.
6.	Banks, savings and loans and similar uses with drive-through facilities.	One (1) for each 200 square feet of gross floor area plus additional spaces in all drive-through lane equal to 80 percent (80%) of the required number of parking spaces.
7.	Barber and beauty shops.	Two (2) for each work station.

- | | | |
|-----|--|--|
| 8. | Gasoline service stations. | Two (2) for each service bay plus one (1) for each two (2) gasoline dispensing units, plus one (1) for each employee during main shift. |
| 9. | Self-serve laundries. | One (1) for each three (3) washers. |
| 10. | Automobile sales and service. | One (1) for each 400 square feet of gross floor area. |
| 11. | Retail shopping centers. | One (1) for each 300 square feet of gross floor area, plus one (1) for each three (3) persons allowed under maximum occupancy in any theater or place of assembly. |
| 12. | Temporary outdoor sales. | One (1) for each 200 square feet of area devoted to display and sales of goods. |
| 13. | Hotels, motels, lodging houses. | One (1) for each sleeping room or suite, plus one (1) for each employee during main shift. |
| 14. | Funeral homes. | One (1) for each 50 square feet of gross floor area. |
| 15. | Medical or dental offices. | Five (5) for each doctor or dentist, plus one (1) for each other employee during main work shift. |
| 16. | Animal hospitals/clinics, veterinarian office. | Four (4) for each veterinarian. |
| 17. | Professional, administrative and business offices. | One (1) for each 400 square feet of gross floor area. |

E. Industrial

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|----|---|---|
| 1. | Commercial and business support services. | One (1) for each 400 square feet of gross floor area. |
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- | | | |
|----|---|---|
| 2. | Manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries. | Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle main- |
|----|---|---|

F. Other Uses

The Planning Commission shall determine the number of parking spaces required for any use not mentioned in Section 26.05 A-E of this Ordinance.

G. Provision of Parking for Non-Residential Uses in the B-2 (Downtown Business) District

The B-2 (Downtown Business) District contains small lots and is served by on-street parking. For these reasons, special regulations are justified in this district. For non-residential uses located within the B-2 District, only thirty percent (30%) of the required spaces as specified in Sections 26.05 A-E must be provided.

26.06 Required Number of Off-Street Loading Spaces

Loading spaces shall be provided according to the following schedule of uses.

A. Commercial

- | | | |
|----|---|---|
| 1. | Less than 2,500 square feet gross floor area. | None. |
| 2. | 2,500 - 10,000 square feet gross floor area. | One (1) |
| 3. | Over 10,000 square feet gross floor area. | One (1) plus one (1) for each additional 10,000 square feet or fraction thereof above 10,000 square feet. |

B. Industrial

- | | | |
|----|---|---------|
| 1. | Less than 5,000 square feet gross floor area. | None. |
| 2. | 5,000 - 10,000 square feet gross floor area. | One (1) |

3. Over 10,000 square feet gross floor area. One (1) plus one (1) for each additional 10,000 square feet or fraction thereof above 10,000 square feet.

C. Office and/or Institutional

1. Less than 10,000 square feet gross floor area. None.
2. Over 10,000 square feet gross floor area. One (1) for each additional 10,000 square feet, or fraction thereof, over 10,000 square feet.

ARTICLE XXVII

SIGNS

27.01 Purpose

The purpose of these sign regulations is to encourage the proper development and regulation of signs and signage systems. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance to adjacent properties or uses, to protect and encourage a healthful economic business environment in the community and thereby protect the general health, safety, and welfare of the community.

27.02 Definitions

As uses in this Article, the following words or phrases shall have the meanings herein:

- A. "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.
- B. "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion.
- C. "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
- D. "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- E. "Freestanding sign" means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
- F. "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
- G. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.

- H. "Pennant" means a triangular-shaped banner.
- I. "Permanent subdivision identification sign" means those signage features specifically related to the denotation of a major entrance or entrances to a subdivision.
- J. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of one (1) year.
- K. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:
- "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.
- "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
- L. "Projecting sign" means a sign which extends outward perpendicular to the building face.
- M. "Roof sign" means any sign erected upon or completely over the roof of any building.
- N. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs that are placed internally within a structure or building that are not externally visible shall be excluded from the sign regulations of this Ordinance. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article.
- O. "Streamer" means a ribbon-shaped or cord-like rope which may have pennants and/or banners attached which is stretched or hung between two (2) or more supports.
- P. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of one (1) year or less.
- Q. "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plan of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly to buildings.
- R. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

27.03 Sign Permits

A. Permit Required

No permanent or temporary sign, except as exempted in Section 28.04 of this Ordinance shall hereafter be erected, constructed or maintained within the City of Washington unless a permit for the same has been issued by the Building and Zoning Inspector.

B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Ordinance.

Each application for a sign permit shall be made on forms provided by the Building and Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
 - a. The width of the building face or faces that abut the streets and the width of the lot not occupied by a building.
 - b. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
 - c. The method of illumination.
 - d. The exact location of the sign in relation to the building and property.

C. Details and specifications for the construction, erection and attachment of the sign.

D. Name, address, and telephone number of the sign contractor company.

E. Other information as may be required by the Building and Zoning Inspector to ensure compliance with the provisions of this Ordinance.

27.04 Signs Which Do Not Require a Permit

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, not to include designations as to employment or home occupation, and to be limited in size to two (2) square feet.
- B. Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.
- C. Signs which are in the nature of cornerstones, commemorative tables and historical signs provided that such signs are less than nine (9) square feet in size and not illuminated.
- D. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- E. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than 45 days prior to election and to be removed no later than three (3) days after such election, subject to penalty. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way.
- F. Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per street front. Such signs shall not be located in a public right-of-way.
- G. Temporary window signs which promote special business sales, promotion or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date for each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- H. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- I. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not be located in a public right-of-way.
- J. Temporary construction signs which display the identification of the construction project including identification of the contractors, architects and other construction principals provided that such construction sign is removed upon the completion of construction or the commencement of occupancy, whichever event occurs first.
- K. Signs promoting community events and programs which last for a time period of 14 days or less and which are sponsored by nonprofit, public, educational,

religious and charitable organizations. All such signs shall be removed not later than 48 hours after the scheduled activity.

27.05 General Requirements - Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. Banners and pennants less than ten (10) square feet in area are permitted provided they are secured at each corner, point and/or end as to prevent movement. Banners erected by public or non-profit groups announcing a community or charitable event shall be exempt from this provision. Streamers are prohibited.
- B. Portable signs as defined in Section 27.02 K are prohibited.
- C. The date upon which a temporary sign is first displayed shall be legibly marked on the sign.

27.06 General Requirements - Permanent Signs

A. Compliance Required

Permanent signs shall be subject to the following requirements, as well as the requirements of the Schedule of Sign Regulations in Section 28.10.

B. Wall Signs, Awning/Canopy Signs, Projecting Signs

Wall signs may be erected on any building wall or extension of a building wall which faces a street parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches, except as follows:

- 1. Signs may be painted on an awning area or attached to a canopy, marquee or roof which projects beyond on the building provided that no part of such sign may extend above the roof line, canopy or marquee.
- 2. Projecting signs not to exceed eight (8) square feet in size, is placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the building face.

C. Freestanding Signs

Freestanding signs may be erected on a lot provided the location, height and other characteristics of the sign meet the regulations of this Article.

D. Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and its use. Window signs shall be limited to one sign per window and shall not exceed thirty-three percent (33%) of the total area of the window.

M. Off-Premises Signs

Off-premises signs are designated as a permitted principal uses in the LI District. Not more than one (1) off-premises sign with a sign face area not exceeding 200 square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

F. General Requirements

1. Illumination - Illumination of signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. Moving Signs - Moving signs and the animation of signs are prohibited.
3. Pennants and/or Streamers - No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.
4. Construction - All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.
5. Location - In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way. In no case shall any part of a sign be placed over, or extend above the roof of any structure.
6. Joint Identification Signs - Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) public street. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Any joint identification sign shall not exceed fifteen (15) feet in height if in the B-3, LI or GE District, and no more than eight (8) feet in height if any other district.

7. Roof Signs - Roof signs are prohibited.
8. Permanent Subdivision Identification Signs - Such signs shall be limited to wall mounted signs or graphics only, with placement on walls, railroad ties, entrance columns or similar architectural or landscaping features used to denote the entrance to the subdivision and not more than five (5) feet in height and shall set back at least twenty-five (25) feet from the right-of-way of both streets.
9. Signs in Planned Unit Development Districts - Signs in the Planned Unit Development District shall generally meet the requirements for similar uses in the Residential, B-1 and GE Districts. The applicant shall submit a total signage plan for the proposed planned unit development as part of the final development plan.

27.07 Measurement of Sign

For the purposes of this Ordinance, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.
- D. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

27.08 Nonconforming Signs

- A. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
 - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be existing illegally, and subject to the penalties as specified in Section 27.09 of this Ordinance.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

27.09 Penalties

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified by separate Ordinance.

27.10 **Schedule of Sign Regulations**

The Schedule of Sign Regulations as follows on the accompanying table is hereby made a part of this Ordinance.

ARTICLE XXVIII

LANDSCAPING

Section 28.01 Purpose

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this Section to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 28.02 Tree Preservation

A. Existing Tree Ordinance

Existing and proposed development in all zoning districts within the City of Washington, Ohio shall be subject to the requirements of Chapter 907 of the Codified Ordinance "Trees and Tree Committee".

B. Preservation of Wooded Areas

When preparing and reviewing subdivision plans and preliminary and final development plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

Section 28.03 Landscaping Screening

A. Screening of Service Areas

For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where single and two-family residences are permitted uses. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height. The use of year-round vegetation, such as

pinus or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

B. Screening of Trash Receptacles

For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. The use of year-round vegetation, such as pines and evergreens is encouraged.

C. Additional Screening Requirements

For commercial, industrial, office and institutional uses which abut districts where single and two-family residences are permitted uses and landscaping is required pursuant to other Sections of this Ordinance to screen those uses from adjacent districts, such screening shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall be of a variety which will attain ten (10) feet in height within five (5) years of planting.

D. Maintenance of Shrubbery and Hedges

No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.

Section 28.04 Landscape Materials

Landscape materials utilized in meeting requirements of this Section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements.

- A. Quality - All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- B. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear

wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in Chapter 907 of the Codified Ordinance, are prohibited.

- C. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.

- D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.

- E. Vines - Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.

- F. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion nets, or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

ARTICLE XXIX

PRIVATE SWIMMING POOLS

Section 29.01 Purpose and Applicability

This Section is enacted to provide regulations for the construction and operation of private swimming pools. It is applicable to bodies of water used for swimming and/or recreational bathing and is not applicable to storm drainage or detention facilities authorized by the City of Washington.

Section 29.02 Private Swimming Pools

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any R District unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than fifteen (15) feet to any property line or structure.
- C. The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

Section 29.03 Community Swimming Pools

"Community swimming pool" means any pool constructed by an association of property owners, a private club for use and enjoyment of its members; or any individual or organization (including the City) for use by the general public. Such community swimming pools, specified as permitted or conditional uses in the various zoning districts are subject to the following additional conditions.

- A. The swimming pool, including any walks, paved areas or appurtenances thereto, shall not be located closer than thirty (30) feet to any property lines.
- B. Any community swimming pool, or the property on which it is located, shall be enclosed by a fence or wall constructed so as to prevent uncontrolled access. Such fence or wall shall not be less than six (6) feet in height and maintained in good condition. Each gate in the fence or wall shall be provided with a secure lock and shall be kept locked at all times when the pool is in use or under immediate control of a responsible person.

Section 29.04 Zoning Permit Required

A zoning permit shall be required for the construction or installation of any private or community pool. The application for the zoning permit shall evidence that the pool will be constructed, maintained and/or installed in conformance with the above provisions of this Ordinance, as well as all other applicable Ordinances in effect at time of the application.

ARTICLE XXX

RESIDENTIAL FENCES AND HEDGES

Section 30.01 Definition

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

Section 30.02 Application

The provisions of this Section shall apply to any zoning district where residences are a permitted use.

Section 30.03 Permit Required

No fence or wall, as defined above, may be erected within the City unless a property owner or his agent files application with the Building and Zoning Inspector. Such application shall be on such forms as provided by the City and shall include a drawing of the lot, to scale, showing the actual location of the proposed fence or wall. The Building and Zoning Inspector shall review each application to determine its compliance with the provisions of this Ordinance. Each property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

Section 30.04 Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

- A. A decorative fence or wall not exceeding 42 inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line provided the provisions of 30.04C are met. Such decorative fence shall be constructed of wood or natural vegetation and shall not exceed fifty percent (50%) opacity. No fence or wall may be erected within three (3) feet of the street right-of-way line.
- B. A fence or wall not exceeding 72 inches in height may be erected in any area of the lot behind the building setback line.
- C. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

Section 30.05 Prohibited Fences

No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

ARTICLE XXXI

DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNAS

Section 31.01 Purpose

It is the purpose of this Article to protect the health, safety, welfare and property rights of all property owners within the City by permitting the reasonable use of dish-type satellite signal receiving stations, hereinafter referred to as "satellite dishes".

Section 31.02 Permit Required

No person, firm, or corporation shall erect a satellite dish within the City of Washington without first securing a permit in accordance with the provisions of this Ordinance.

Section 31.03 Contents of Permit

The owner or occupant of any lot, premises, or parcel of land within the City who desires to erect a satellite dish shall apply to the Building and Zoning Inspector for a permit. Such application shall be made on forms furnished by the City and shall contain, at a minimum, the following information.

- A. Name, address, and telephone number of the applicant, and owner of the property, if different.
- B. Name of occupant of the property, if different from above.
- C. Name, address, and telephone number of contractor or other person who is responsible for erection or construction of the satellite dish.
- D. Plot plan of the lot, drawn to scale, showing the exact location of the satellite dish.
- E. Description of the kind and type of satellite dish to be erected.
- F. Plans and specifications showing the elevations, where sufficient details of the method of assembly and construction to determine compliance with the provisions of this Ordinance.
- G. An application fee, as established by City Council.

Section 31.04 Approval of Permit

Upon receipt of the application, the Building and Zoning Inspector shall issue a permit for a satellite dish, if the application shows that all the requirements of this Ordinance have been met.

If the application is denied, the applicant may follow procedures for appeal and/or variance as specified in Article V of this Ordinance.

Section 31.05 Location of Satellite Dish

- A. Satellite dishes shall be permitted as an accessory use in those zoning districts where they are so specified.
- B. All satellite dishes shall be constructed or erected to the rear of the premises where not visible from the street.
- C. No satellite dish shall be erected within twenty (20) feet from any lot line.
- D. No satellite dish shall be erected on the roof on any building or structure. Public schools and police/fire stations shall be exempt from this requirement.
- E. No satellite dish shall be linked to receivers which are not located on the same lot or premises.
- F. Evergreen or landscaping shall be provided so as to effectively conceal the satellite dish from view of adjacent parcels. Such landscaping shall be installed within thirty (30) days from the date of the erection of the satellite dish.

Section 31.06 Size and Height

The maximum diameter of any satellite dish shall not exceed twelve (12) feet. The maximum installed height of any satellite dish shall not exceed fifteen (15) feet above natural grade level.

Section 31.07 Satellite Dish Support Structures

- A. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
- B. Only a concrete base or caissons, depending on soil conditions, shall be permitted.
- C. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
- D. Any driving motor shall be limited to 110 volts maximum power and encased with protective guards.

E. Any satellite dish must be grounded to an eight (8) foot grounding rod.

Section 31.08 Violation and Penalty

Whoever violates or fails to comply with any of the provisions of this Article shall be guilty of a misdemeanor, subject to the penalties specified in Section 3.11.04.

ARTICLE XXXII

ADULT ENTERTAINMENT FACILITIES

Section 32.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the City.

Section 32.02 Definitions

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

B. "Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

- C. "Specified Anatomical Areas" mean any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. "Visibly displayed" means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 32.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 32.04 Location

Adult Entertainment Facilities are to be considered a conditional use in the B-3 (General Business) District, and are additionally subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, when school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public area.

ARTICLE XXXIII

DEFINITIONS

Section 33.01 Interpretation

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Specific terms related to swimming pools, signs, and landscaping, are defined within the specific sections of the Ordinance where those general requirements are found.

Section 33.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 10.02 of this Ordinance.

"Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

"Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

"Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot

line, defining the limits of a front yard in which no building or structure may be located.

"Building and Zoning Inspector" means the zoning enforcement official of the City appointed by the City Manager, subject to the approval of City Council who is charged with the duty of enforcing the provisions of the Zoning Ordinance.

"Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Cemetery" means land used or intended to be used for the burial of human dead.

"Certificate of occupancy" means a certificate issued by the Building and Zoning Inspector, pursuant to Section 3.09 of this Ordinance, confirming that the requirements of this Ordinance have been met, and the building can be occupied.

"City" means the City of Washington, Ohio.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article VI of this Ordinance.

"Congregate or group home" means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

"Drive through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

"Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

"Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

"Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.

"Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

"Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

"Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

"Garage, private" means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

"Gasoline service station" means any building or land used for the sale, offering for sale, and/or dispensing of any vehicular fuels, oils or accessories, including the lubrication of automobiles or motor vehicles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair, or painting and finishing.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.08 of this Ordinance.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

"Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

"Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

"Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

"Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

"Lot of record" means any lot which individually or as a part of a sub-division has been recorded in the Office of the Recorder, Fayette County, Ohio, as of the effective date of this Ordinance.

"Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

"Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

"Manufacturing" means any production or industrial process, including food processing which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

"Nonconforming use" means the use of land or a building or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

"Nursery" or "Day care center" means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

"Nursing home" includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

"Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXVI of this Ordinance.

"Parking area" or "parking lot" means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without fee.

"Person" means any individual, corporation, company, business, partnership, association or legal entity.

"Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

"Professional offices" means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

"Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

"Residence" - see "Dwelling".

"Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

"Right-of-way" means 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.

"Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 9.02.05 of this Ordinance.

"Street" and "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" does not include fences.

"Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Truck servicing establishment" means a business, which sells fuel and services to motor vehicles and has customary clientele of which more than fifteen percent (15%) is comprised of trucks having three or more axles.

"Use" means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

"Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

"Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

"Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

"Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

"Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

"Zoning District" means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

"Zoning district map" means that the Zoning District of the City, together with all amendments subsequently adopted by City Council.

ORDINANCE NO. 34 - 90

THE ZONING ORDINANCE OF THE CITY OF WASHINGTON, OHIO. UNLESS OTHERWISE PROVIDED HEREIN OR BY THE LAW OR IMPLICATION REQUIRED, THE SAME RULES OF CONSTRUCTION, DEFINITION, AND APPLICATION SHALL GOVERN THE INTERPRETATION OF THE ORDINANCE AS THOSE GOVERNING THE INTERPRETATION OF THE OHIO REVISED CODE.

Section 1.

Section 1.01 Purpose

This Zoning Ordinance is adopted to promote and protect the public health, safety, comfort, prosperity and general welfare by regulating and limiting the use of land areas and building and the construction, restoration and alteration of buildings and the uses thereof for residential, business and industrial purposes; to regulate the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of buildings; to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the municipality into various districts.

Section 2.

Section 1.02 Interpretation and Applicability

1.02.01 Interpretation and Consistency

The provisions of this Ordinance shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land, where the provisions of this Ordinance impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Ordinance shall govern; and conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other Ordinance of the City of Washington, Ohio, or part thereof not specifically repealed, amended, modified, altered or changed herein.

1.02.02 Provisions Cumulative

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such

particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Ordinance is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

1.02.03 Applicability

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any private individual or entity, or any political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Washington.

SECTION 3.

Section 1.03 Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

SECTION 4.

Section 1.04 Repeal of Existing Ordinance

This is to repeal the following Ordinances of the City of Washington, Ohio:

Title Five - Zoning Administration
Chapters 1131, 1133, 1135, 1137, 1139, 1141

Title Seven - Zoning Districts and District Regulations
Chapters 1145, 1147, 1149, 1151, 1153, 1155, 1157, 1159, 1161, 1165,
1167

Title Nine - Additional Zoning Standards
Chapters 1171, 1173, 1175, 1177, 1179, 1181, 1183, 1185, 1187

SECTION 5.

Section 1.05 Effective Date

This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.