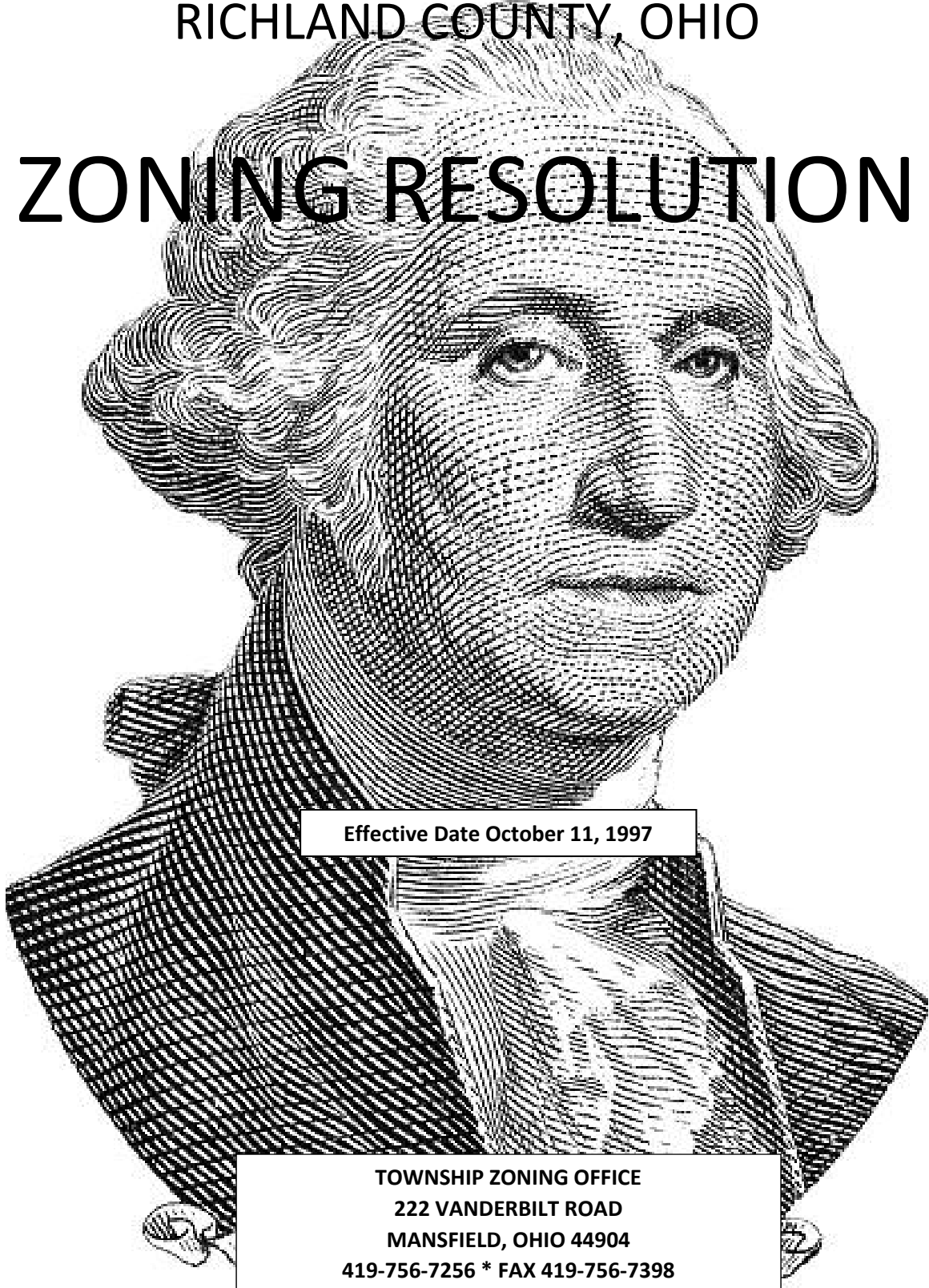


WASHINGTON TOWNSHIP  
RICHLAND COUNTY, OHIO

# ZONING RESOLUTION



Effective Date October 11, 1997

TOWNSHIP ZONING OFFICE  
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MANSFIELD, OHIO 44904  
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Amendments:

July 11, 1998	Article VII
June 7, 1999	Section 600.17
February 19, 2000	Section 600.2 (2. E. 1-4)
January 1, 2001	Zoning Fees
September 18, 2004	Sections 700.13, 800 & 900
June 8, 2005	Sections 405.2, 407.2 & 800.7 (1).
December 3, 2005	Section 100.3
March 4, 2010	Sections 404.3, 405.3, 503.51 & 503.52
April 18, 2010	Zoning Fees
February 17, 2013	Sections 404.3 & 405.3
May 7, 2015	Zoning Fees
September 15, 2016	ORC 3796.29 Marijuana Prohibition
May 3, 2018	Zoning Fees
November 1, 2018	Section 600.2 2. (d)
August 1, 2024	Section 600.2 (e)
November 7, 2024	Section 600.18
November 21, 2024	Zoning Fees

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## ARTICLE 1

### TITLE, AUTHORIZATION, PURPOSE

#### SECTION 100      TITLE

This Resolution shall be known as the “Zoning Resolution of Washington Township, Richland County, Ohio”.

#### SECTION 100.1      AUTHORIZATION

A Resolution enacted under Chapter 519 of the Ohio Revised Code, governing the Township of Washington, Richland County, Ohio to regulate and restrict the location and use of buildings and other structures, and land for trade, industry, residence, public and quasi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area and dimensions of yards, courts and other open spaces; to divide the Township into districts establishing the boundaries thereof; to provide for changes in the regulations and boundaries of such districts; to define certain terms used herein; to provide for the administration and enforcement of the Resolution; to establish a Board of Zoning Appeals; and to authorize Conditional Zoning Certificates.

#### SECTION 100.2      STATEMENT OF LEGISLATIVE PURPOSE

Washington Township serves primarily as a residential community for workers of nearby communities. Additional population increases and the addition of further commercial development will significantly increase the development problems in this area. It is essential to the well-being of the Washington Township area that such development shall take place in an orderly and coordinated manner so as to place no undue burden upon residents, developers, industrialists or businessmen. To effectively cope with the existing conditions and problems, and those that will arise in the future, it is necessary to employ regulatory measures that are geared to the situation of today and can be effectively used to guide future decisions.

For the above stated reasons and in the interests of public health, safety, and morals this Zoning Resolution was developed.

#### SECTION 100.3      APPLICABILITY

This resolution applies to all land and to every structure lying within the limits of Washington Township as those limits now exist or may hereinafter be altered by annexation except land owned by the Washington Township Board of Trustees. However, for any development proposed by the Washington Township Board of Trustees, they shall be required to prepare a site plan to be submitted to the Township Zoning Commission pursuant to section 600.16 (2) and the Zoning Commission must approve the site plan. The Trustees’ site plan may be submitted prior to or after the



Trustees actual ownership of land. Land owned by the United States of America, the State of Ohio, Richland County, the Village of Bellville, or any other political subdivision or any department or agency of any of them shall be subject to this Resolution except to the extent expressly exempted by law.

## ARTICLE II

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### SECTION 200      CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the provisions of this Resolution:

1.      The particular shall control the general.
2.      In case of any difference of meaning or implication between the provisions of this Resolution and any caption or illustration, the provisions shall control.
3.      The word "shall" is always mandatory and not discretionary. The word "may" or "should" is permissive.
4.      Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5.      The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
6.      Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either/or", the conjunction shall be interpreted as follows:
  - a.      "And" indicates that all connected items, conditions, provisions or events shall apply.
  - b.      "Or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
  - c.      "Either/or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination.
7.      Terms not herein defined shall have the meaning customarily assigned to them.

#### SECTION 200.1      DEFINITIONS

1.      ACCESSORY USE: An "accessory use" is a use which is customarily considered incidental and subordinate to, and located on the same lot as the principal use or building.

An "accessory use" includes but is not limited to the following:

- a.      Residential accommodations for servants, caretakers, or night watchmen.

- b. Off-street parking and loading spaces open or enclosed, subject to the off-street parking and loading regulations of the zoning district in which the lot is located.
- c. Storage of goods on a site where they are used in or produced by business or industrial activities unless such goods are excluded in the applicable provisions of the district regulations.
- d. Swimming pools, tennis courts and other recreational facilities.
- e. Garage or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than three times a year and for no longer than three days each time. The advertising restrictions contained in this section shall not apply to such sales.
- f. The storage of motor vehicles, trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for non-residents whether or not a fee is charged, shall be deemed a business use. All such storage shall be no closer to the road than the minimum front yard setback requirements of Section 409.
- g. Accessory use shall include the keeping, but not boarding, of dogs, cats, or farm animals, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to lions, tigers, leopards, panthers, cougars, bobcats, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.

No zoning permit shall be required to engage in an accessory use.

- 2. ACCESSORY BUILDING: Is a building which is customarily considered incidental and subordinate to, and located on the same lot as the principal building or use, including but not limited to detached garages, storage buildings, sheds and barns. Accessory buildings shall comply with the requirements of Section 600.2.
- 3. AGRICULTURE: Includes farming; ranching; aquiculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 4. ALLEY: Is a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- 5. ALTERATION: Any change, addition, alteration, or rearrangement in construction or type of occupancy, or change in the structural parts of a building

such as walks, windows, partitions, columns, girders, or the moving from one location or position to another.

6. APARTMENT: Same as a "Multiple Family Dwelling".
7. BASEMENT: Is that portion of a building which is entirely below or partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above. When a basement floor is less than two (2) feet below the ground level, it will be rated as the first story.
8. BUILDING: Is any structure designed, built or occupied as a shelter which is permanently affixed to the land and has one or more floors and a roof. Buildings includes the area closed and unenclosed devoted to porches, stairways, fire escapes and fixed canopies. When a structure is separated by a fire wall, each such separated portion shall be deemed a separate building.
9. BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof; and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof. Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.
10. BUILDING LINE: Is a line defining the minimum front, side and rear yard setback requirements in which no building or structure may be located, except as otherwise provided herein.
11. BUILDING, PRINCIPAL: Is the building housing the principal activity performed on a lot.
12. CENTRALIZED SEWER SYSTEM: Is where individual lots are connected to common sewerage collection systems and treatment plant facilities whether publicly or privately owned.
13. CENTRALIZED WATER SYSTEM: Is where individual lots are connected to a common water distribution system and plant facilities whether publicly or privately owned.
- 13A. CHURCHES, SYNAGOGUES, OR TEMPLES: A building or group of buildings controlled by a religious body organized to sustain public worship where persons regularly assemble primarily for religious worship.
14. CLINIC: Is an establishment where human patients, who are not lodged overnight are received for examination of treatment by a group of physicians, dentists or similar professions.
15. CLUB: Is an organization of persons for special purposes or for the promulgation

of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

16. COLLECTOR'S VEHICLE: Means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.
17. CONVALESCENT OR NURSING HOME: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
- 17A. DAYCARE: A facility licensed by the State of Ohio that houses minor children and cares unaccompanied by their parents or guardians during daylight hours.
18. DENSITY: Is the number of dwelling units that can be developed on a given acre of land.
19. DEVELOPMENT: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
20. DISTRICT: Is a portion of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.
21. DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
22. DWELLING: Is a building (except a manufactured home as defined in this Resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for Industrialized Units or is a permanently sited manufactured home.
23. DWELLING, INDUSTRIALIZED: For the purposes of this Resolution an industrial unit shall be considered to be a family residential dwelling unit provided it meets all the following criteria:
  - a. Is designed only for erection or installation on a site- built permanent foundation and which the manufacturer thereof acknowledges is not intended to be used other than on a site-built permanent foundation.
  - b. Is designed not to be moved once erected or installed on the site-built permanent foundation and can be moved to such site by only temporary

towing gear, axles, etc. which operate only during transportation and are removable and designed to be removed prior to erection or installation on a site-built permanent foundation.

- c. It complies with the Ohio and/or local building code as evidenced by appropriate manufacturers or governmental certification.

For the purposes of this Resolution Manufactured/Mobile Homes shall not be considered to be family residential dwelling units and their use shall be and are excluded.

- d. A structure that is built completely or partially off site, meeting the basic building codes of the State of Ohio. This type of structure will include an Industrialized Unit Number ON EACH UNIT

- 24. DWELLING, ONE FAMILY: Is a building designed exclusively for and occupied by one (1) family.
- 25. DWELLING, TWO FAMILY: Is a building designed exclusively for or converted for occupancy by two (2) families, living independently of each other.
- 26. DWELLING, MULTIPLE FAMILY: Is a building or portion thereof designed exclusively for or converted for occupancy by three (3) or more families living independently of each other.

The dwelling units in a multiple family dwelling are defined as follows:

- a. EFFICIENCY UNIT: Is a dwelling unit containing at least three hundred and fifty (350) square feet of floor area, and consisting of not more than one (1) room in addition to a kitchen, dining and necessary sanitary facilities.
  - b. ONE BEDROOM UNIT: Is a dwelling unit containing a minimum floor area of at least five hundred (500) square feet, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities.
  - c. TWO BEDROOM UNIT: Is a dwelling unit containing a minimum floor area of seven hundred (700) square feet, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.
  - d. THREE BEDROOM UNIT: Is a dwelling wherein for each room in addition to the three (3) rooms permitted for a two bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of seven hundred (700) square feet.
- 27. DWELLING, TOWNHOUSE: Is a one (1) family dwelling designed and occupied exclusively by one family. A townhouse can be attached or detached in order to become a row, patio or terrace house having one or more stories.

28. DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
29. ERECTED: Built, constructed, altered, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
30. EXCAVATION: Includes any breaking of ground except common ground care and household gardens.
31. FAMILY: Is one or more persons living together as a single housekeeping unit in a dwelling unit. Sharing living, cooking and sleeping facilities, as distinguished from a group occupying a rooming house, boarding house, motel or hotel.
- 31A. FENCE: An artificially constructed barrier of any material or combination of material, erected for the purpose of enclosing or screening areas of land.
- 31B. FENCE, DECORATIVE: An artificially constructed barrier of any material or combination of material. Erected for aesthetic purposes only.
- 31C. FIREWOOD, WOOD STACKS, ETC.: Any wood, wood stack, or other combustible material which is intended to be used for burning purposes in fireplace, stove, boiler, furnace or similar apparatus.
32. FLOOR AREA, GROSS: Is the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior of walls or the center line of walls separating two buildings. In particular, the floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, attic floor space providing structural head room of seven feet six inches (7' 6"), open porches, terraces and breeze ways, where more than fifty (50) percent of the perimeter of such terrace, breeze way or open porch is enclosed.
33. FLOOR AREA, USABLE: For the purposes of computing required parking areas, the "Usable Floor Area" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, patients or customers. Such floor area which is used or intended to be used principally for the storage of processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Floor Area". Measurement of "Usable Floor Area" shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.
34. GARAGE, PRIVATE: Is an accessory building or portion of a main building, enclosed on all sides and designed or used for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building.

35. GARAGE, SERVICE REPAIR: A place where the following services may be carried out: general repair, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
36. GASOLINE SERVICE STATION: Is any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution, the term shall include any area or structure used or designed to be used for greasing, polishing, washing, spraying or otherwise cleaning or servicing such motor vehicles.
37. GRADE: Is the ground elevation established for the purpose of regulating the number of stories and height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the median of said total averages.
38. GREENBELT: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen to abutting properties.
39. HOME OCCUPATION: Is an occupation, activity, profession, service, craft or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or in an accessory building, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time.
- a. It is incidental and subordinate to the primary use of the dwelling and not occupy more than thirty percent (30%) of the gross first floor living area of any one dwelling unit.
  - b. It does not involve the employment of non-residents of the dwelling.
  - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations other than one sign not exceeding two (2) square feet in area, non-illuminated.. No sign permit shall be required.
  - d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.
  - e. There shall be no display of stock in trade or commodities sold except those which are produced on the premises.



- f. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles for which it was designed.
40. JUNK YARD: A place outside a building where junk is bought, sold, exchanged, baled, packed, disassembled, stored, or handled.
41. JUNK: Scrap metals, and wood of all kinds (except for firewood), bones, rags, ceramics and plastics, used bottles or cans or paper packaging, old or used machinery, tools equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. A motor vehicle which is in a wrecked, dismantled or worn out condition, or unfit for operation as a motor vehicle shall be considered junk.
42. KENNEL, COMMERCIAL: Is any lot or premises on which dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred and sold other than by their owners. Commercial kennels are prohibited within the Township.
43. LOADING SPACE: An off-street space outside the street right-of-way and on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise, materials and goods.
44. LOT: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.
45. LOT AREA: The total horizontal area within the lot lines of the lot.
46. LOT, CORNER: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty five (135) degrees.
47. LOT COVERAGE: Is the part or percent of the lot occupied by buildings including accessory buildings.
48. LOT DEPTH: Is the horizontal distance between the street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way width is not established, it shall be assumed to be sixty (60) feet.
49. LOT, INTERIOR: Is a lot other than a corner lot.
50. LOT LINES: Are the lines defining the limits of a lot as described below:

- a. FRONT LOT LINE: In the case of an interior lot, it is that lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
  - b. SIDE LOT LINE: Is any lot line other than the front or rear lot line.
  - c. REAR LOT LINE: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.
51. LOT OF RECORD: Is a lot the dimensions of which are recorded a documentary shown on a map on file in the office of the Recorder of Richland County, or a lot described by metes and bounds, the deed to which has been recorded in a document or on a map in the office of the Recorder of Richland County, Ohio.
52. LOT WIDTH: Is the horizontal distance between the side lot lines, measured between the two points where the minimum building setback line intersects the side lot lines.
53. MINIMUM BUILDING SETBACK LINE: Is a line between the front and rear lot line and parallel to the street right-of-way line and at such a distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is stated.
54. MINIMUM LIVING FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breeze ways, and enclosed and unenclosed porches.
55. MANUFACTURED HOMES: A structure that is built completely or partially off site which does not comply with either local or State building codes. This type of structure will bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Act of 1974, established and administered by the U.S. Department of Housing and Urban Development (HUD), for manufactured homes, which became effective June 15, 1976.
- 55B. MOBILE HOME: A transportable, factory-built single family structure, designed to be used as a year around residential dwelling and built prior to the enactment of the National Manufactured Housing Construction and Safety Standard Act of 1974, which became effective June 15, 1976.
56. MOTEL: Is a series of attached, semi-attached or detached rental units containing a bedroom, bathroom and closet space. The units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

57. NONCONFORMING LOT: Is a lot lawfully existing at the effective date of this resolution, or amendments thereto that does not conform to the lot area or width regulations of the district in which it is located.
58. NONCONFORMING STRUCTURE: Is a structure or portion thereof lawfully existing at the effective date of this Resolution, or amendments hereto that does not conform to the area and height regulations of the district in which it is located.
59. NONCONFORMING USE: Is a use lawfully existing at the time of the enactment of this Resolution, and which does not conform to the use provisions of the district in which it is located.
60. NURSERY: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Resolution does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
61. NURSERY, DAY: Is a building, structure, place, or location, or any combination thereof, and other physical property therewith included, that shall be used for the purpose of housing and caring for children unaccompanied by parents during daylight hours.
62. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, off the street and outside the right-of-way line, for maneuvering and providing entrances and exits so as to provide parking for more than two (2) vehicles.
63. OPEN SPACE: Is any part of a lot, including courts and yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the lot. Streets, parking areas, structures for habitation, and the like shall not be included.
64. PARKING SPACE: Is an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the storage of permitted motor vehicles.
- 64A. PERMANENT FOUNDATION: Is a permanent masonry, concrete, or locally approved footing or foundation, to which an industrialized unit or manufactured home may be affixed.
- 64B. PERMANENTLY SITED MANUFACTURED HOME: Is a manufactured home that meets all of the following criteria:
1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;

2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet or whatever is required of single family dwellings in the applicable zoning district, whichever is greater, excluding garages, porches, or attachments;
  3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
  4. The structure was manufactured after January 1, 1995;
  5. The structure is not located in a manufactured home park.
65. PUBLIC UTILITY: The activities of any person, firm or corporation within the scope of the exemption from township zoning as provided in Section 519.211, Revised Code.
66. RECREATIONAL: The use of land for customary leisure, sport and athletic activities.
- 66A. RECREATIONAL VEHICLE: A portable, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary sleeping or living quarters. Recreational vehicles shall include travel trailers, tent campers, truck campers and motor homes.
67. RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
68. ROOM: Is for the purpose of determining lot area requirements and density in multiple family district, a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in the kitchen, sanitary facilities, utility rooms, corridors, hallways and storage.
69. SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.
- a. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
  - b. Sign, Off Premises: Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

- c. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
  - d. Sign Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
  - e. Sign, Projecting: Any sign which projects from the exterior of a building.
- 69A. STREET, ROAD : Is a right-of-way which affords the principal means of access to abutting property and which has been dedicated or deeded to the public use and accepted by the County in to a road system.
- 69B. STREET, ROAD PRIVATE: Is an approved right-of-way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas, driveways, and driveways to off-street parking areas.
- 69C. STICK BUILT: (CONVENTIONAL CONSTRUCTION) A structure that is built completely on site, meeting the local building codes.
70. STORY: Is that part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above then ceiling next above. A basement is not considered to be a story if the basement floor is at least two feet below ground level.
71. STRUCTURE: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on or below the ground.
72. SWIMMING POOL (RECESSED OR ELEVATED): An artificial body of water, with a controlled water supply over forty-eight (48) inches in depth or 180 square feet of surface water or fifteen (15) feet in diameter, used or intended to be used by the owner thereof, his lessees or invitee
73. TEMPORARY BUILDING OR USE: Is a building or use permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or for special events.
74. THOROUGHFARE, STREET OR ROAD: Is a right-of-way which affords the principal means of access to abutting property and which has been properly dedicated to the public use and designated as follows:
- a. Arterial Thoroughfare: Is a street or road which is intended to move large volumes of traffic from one part of the Township to another part or beyond the Township. For the purpose of this Resolution, "Arterial Thoroughfares" are designated on the Thoroughfare Plan of Washington Township.
  - b. Collector Thoroughfare: Is a street or road which moves or is intended to

move large volumes of traffic from local thoroughfares to arterial thoroughfares. For the purpose of this Resolution "Collector Thoroughfares" are designated on the Thoroughfare Plan of Washington Township.

- c. Local Thoroughfare: A street or road which provides access to abutting property. For the purpose of this Resolution, "Local Thoroughfares" are designated on the Thoroughfare plan of Washington Township.
75. THOROUGHFARE PLAN: A plan adopted by Washington Township as part of this Resolution indicating the location of arterial, collector, and local thoroughfares within Washington Township. See Appendix.
76. TRAVEL TRAILER: See "Recreational Vehicle".
77. USE: Is the principal purpose for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
78. YARDS: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward and further defined as follows:
- a. FRONT YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.
  - b. SIDE YARD: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
  - c. REAR YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
79. ZONING VARIANCE:
- a. USE VARIANCE: Is defined as a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship owing to circumstances unique to the individual property for which the variance is sought.
  - b. AREA VARIANCE: Is defined as a variance which relates solely to area requirements. The standard to be applied is practical difficulties and

whether the area zoning requirement applied to the particular property is reasonable. Numerous factors are to be considered and are listed in Section 900.5.

The crucial factors of a variance are undue hardships and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

## **ARTICLE III**

### **ESTABLISHMENT OF ZONING DISTRICTS AND MAP**

#### **SECTION 300      ESTABLISHMENT OF DISTRICTS**

For the purpose of determining the regulations of land and structures as imposed by this resolution the following districts are established:

1.      STANDARD ZONING DISTRICTS:

R-1   Residential  
R-2   Residential  
PR   Planned Residential

B-1   Business  
B-2   Business  
B-3   Business  
PC   Planned Commercial

I-1   Industrial  
I-2   Industrial

MH   Manufactured/Mobile Home District  
RD   Recreational District

#### **SECTION 300.1      OFFICIAL ZONING DISTRICTS MAP**

All land in the Township of Washington within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Washington, County of Richland, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein.

The Zoning Districts Map shall be identified by the signatures of the Township Trustees, attested by the Township Clerk, under the following words:

"This is to certify that this is the official Zoning Districts Map referred to in Section 300.1 of the Zoning Resolution of the Township of Washington, County of Richland, Ohio." (include date of adoption)

Wherever changes are made in the district boundaries or other matter portrayed on the official Zoning Districts Map, such changes shall be made on the official Zoning Districts



Map after the amendment has been approved by Township Trustees together with an entry on the official Zoning Districts Map as follows:

"On (date), by official action of Township Trustees, the following changes were made (reference number to Township Trustees proceedings)."

Four (4) copies of the official Zoning Districts Map are to be maintained and kept up-to-date: One (1) in the Township Trustees office, one (1) in the office of the Richland County Regional Planning Commission, one (1) by the Zoning Inspector accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township of Washington, and one (1) with the County Recorder.

#### SECTION 300.2      INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Districts Map, the following rules shall apply:

1.      Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2.      Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3.      Boundaries indicated as approximately following the corporation boundary line shall be construed as following the corporation boundary line.
4.      Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks.
5.      Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.
6.      Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of a scale shown on the Map.

#### SECTION 300.3      ZONING OF VACATED AREAS

Wherever any street, alley or other public way is vacated by action of the appropriate legislative body and in a manner authorized by law, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center line of such vacation and all areas included in the vacation shall then be subject to the same

use, areas and height regulations of the extended district.

#### SECTION 300.4      DISTRICT REQUIREMENTS

All buildings and uses in any district except for PR and PC Districts shall be subject to the provisions of Article VI, GENERAL PROVISIONS, and Article VII, GENERAL EXCEPTIONS. Articles VI and VII shall not apply to PR and PC District where such provisions are contrary to the approved development plans for particular PR or PC Districts.

## **ARTICLE IV**

### **STANDARD DISTRICT REGULATIONS**

#### **SECTION 400        REGULATION OF USE AND DEVELOPMENT**

Regulations pertaining to the use of land and/or structures and physical development within each of the Zoning Districts, as adopted as a Standard Zoning District in Article III, and as shown on the Zoning Districts Map, are hereby established and adopted.

##### **SECTION 400.1        PERMITTED USES**

Only a use designated as a PERMITTED USE shall be allowed as a matter of right within a Zoning District and any use not so designated shall be prohibited.

##### **SECTION 400.2        CONDITIONALLY PERMITTED USES**

A use designated as a CONDITIONAL USE shall be allowed in a Zoning District when such CONDITIONAL USE, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. The Board of Zoning Appeals shall grant CONDITIONAL ZONING PERMITS when it finds, based upon the evidence presented to it, that each condition contained in the Resolution as to the proposed use as well as the provisions of ARTICLE IX of this Resolution has been met.

##### **SECTION 400.3        DEVELOPMENT STANDARDS**

The DEVELOPMENT STANDARDS set forth shall be the minimum allowed for development in a Zoning District. If the DEVELOPMENT STANDARDS are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

#### **SECTION 401        R-1 RESIDENTIAL DISTRICT**

##### **SECTION 401.1        PURPOSE**

The R-1 Residential Districts are established in recognition that sections of the Township include low to moderate density residential developments and tracts of agricultural land.

##### **SECTION 401.2        PERMITTED USES**

1.        One Family Dwellings.

2. Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution
3. Parking and loading as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
4. Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

#### SECTION 401.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted subject to the conditions hereinafter imposed for each use, the provisions of Article VI, and subject, further to the review and approval of the Township Zoning Board of Appeals.

1. Churches and other buildings for the purpose of religious worship, subject to the following conditions.
  - A. Buildings of greater than the maximum height allowed in Section 409. "SCHEDULE OF REGULATIONS," may be allowed provided, side and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
  - B. Wherever the off-street parking area is adjacent to land developed for one (1) family and two (2) family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VI, GENERAL PROVISIONS.
  - C. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare. Access to and from the site shall be provided by a major thoroughfare or a service access road.
  - D. All points of access to and from the site should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares and no closer than one hundred and fifty (150) feet from the intersection of an arterial thoroughfare and a local or collector thoroughfare.
2. Public, parochial and other private schools offering courses in general education, parks and customarily considered neighborhood recreational facilities owned and/or operated by the community or a private non profit corporation (i.e.:

swimming pools, tennis courts and parks) subject to the following conditions:

- A. Buildings of greater than the maximum height allowed in Section 409. "SCHEDULE OF REGULATIONS," may be allowed provided, side and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
- B. Wherever the off-street parking area is adjacent to land developed for one (1) family and two (2) family residential purposes, a continuous and obscuring fence or an obscuring greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VI, GENERAL PROVISIONS.
- C. Whenever the proposed school is to be an intermediate or secondary school, the proposed site shall have at least one (1) property line abutting an arterial thoroughfare. Access to and from the site shall be provided by an arterial thoroughfare or a service access road.
- D. All points of access to and from the site should be located no closer than two hundred (200) feet from the intersection of two arterial thorough fares and no closer than one hundred and fifty (150) feet from the intersection of an arterial thoroughfare and a local or collector thoroughfare.
- E. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
- F. Loud speakers which cause a hazard or annoyance shall not be permitted.
- G. Off street parking shall be provided as regulated in Article VI, GENERAL PROVISIONS.

3. Home occupations

SECTION 401.4 AREA AND BULK REQUIREMENTS

See Section 409, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 402        R - 2 RESIDENTIAL DISTRICT

SECTION 402.1     PURPOSE

The R-2 Residential Districts are established in recognition that some sections of the Township may be suitable for higher density residential dwellings.

SECTION 402.2     PERMITTED USES

1.     One family dwellings
2.     Two family dwellings
3.     Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
4.     Parking and loading as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
5.     Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 402.3     CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals:

1.     All uses conditionally permitted in R-1 Districts.
2.     Townhouse dwellings subject to the following conditions:
  - A.     There shall be no more than twelve (12) townhouse dwellings in any contiguous group.
  - B.     Proposed development shall have one (1) property line abutting an expressway or arterial thoroughfare or collector thoroughfare or the boundary line of a B-Business or I-Industrial District. Access to and from the site shall be provided by an arterial thoroughfare or collector thoroughfare.
  - C.     A continuous and obscuring year-around greenbelt six (6) feet in height shall be provided on those side and rear yards adjacent to land developed

for one family or two family residential purposes.

SECTION 402.4      AREA AND BULK REQUIREMENTS

See Section 409, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 403.        M-D DISTRICT

SECTION 403.1      PURPOSE

The M-D District is established to recognize that some sections of the Township may be suitable for the highest density of residential dwellings.

SECTION 403.2      PERMITTED USES

1.     All uses permitted in R-1 and R-2 Districts
2.     Three Family dwellings
3.     Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
4.     Parking and Loading regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
5.     Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
6.     The schedule of Regulations in Section 409 for R-2 Residential shall apply to this District.

SECTION 403.3      CONDITIONALLY PERMITTED USES

1.     All uses conditionally permitted in R-1 and R-2 Districts.



SECTION 404        B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 404.1     PURPOSE

The B-1 Neighborhood Business District is intended to encourage the grouping of small individual retail establishments to promote convenience in serving the daily needs of persons living in township. These groups of establishments generally occupy sites that are in close proximity to the residential population to be served.

SECTION 404.2     PERMITTED USES

The following uses shall be permitted provided screening devices are provided along those sides and rear lot lines abutting a residential development in accordance with provisions of Article VI, Section 600.6 and 600.9 and all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way

1.     Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods:
  - A.     General Merchandise
    - Hardware stores
    - Department Stores
    - Mail Order Houses
    - Limited Price Variety Stores
    - Miscellaneous general merchandise stores
    - Other similar retail stores
  - B.     Food
    - Grocery stores
    - Meat and Fish markets
    - Candy, Nut and Confectionery stores
    - Dairy Products stores
    - Retail Bakeries
    - Miscellaneous food stores.
  - C.     Apparel
    - Men's and Boy's clothing and furnishings
    - Women's accessory and specialty stores
    - Women's ready-to-ware stores

- Children and Infant's stores
- Family clothing stores
- Shoe stores
- Custom stores
- Furriers and fur shops
- Miscellaneous apparel and accessory stores

D. Home furnishings

- Furniture
- Home Furnishings
- Home Equipment
- Appliance stores
- Equipment stores
- Radio Stores
- Television stores
- Computer stores
- Music stores

E. Restaurants (Excluding those of Drive-in type)

F. Miscellaneous retail

- Drug and Apothecary stores
- Liquor stores
- Book and Stationary stores
- Sporting Goods stores
- Jewelry stores
- Florists
- Toy, Gift, Novelty stores
- Camera and photographic supply store
- Miscellaneous retail stores, not elsewhere classified
- Nurseries

G. Personal and consumer services

- Photographic Studios
- Beauty Shops
- Barber Shops
- Shoe Repair Shops and Hat Cleaning Shops
- Pressing, Alteration and Garment Repair
- Miscellaneous personal services

H. Business and Professional Offices

Offices of Architects and Engineers  
Commercial and Stock Savings Banks  
Credit Agencies  
Personal Credit Unions  
Insurance agents, Brokers, and Service  
Real Estate Agents and Brokers  
Offices of Physicians and Surgeons  
Offices of Chiropractors  
Legal Services  
Other similar business and professional uses.

2. Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
3. Parking and loading as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
4. Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 404.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Gasoline service stations, subject to the following conditions:
  - A. Such stations shall be used for the sale of gasoline, oil, and minor accessories only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.
  - B. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than two hundred (200) feet from a street intersection (measured from the intersection of the curb lines) or from the adjacent residential districts.
  - C. The minimum lot area shall be twelve thousand (12,000) square feet, with

access drives so arranged that ample space is available for motor vehicles which are required to wait.

- D. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
  - E. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.
  - F. Construction shall begin within one (1) year from the date of approval by the Township Zoning Board of Appeals.
  - G. All lighting shall be shielded from all adjacent R-Residential Districts.
  - H. Gasoline service stations shall provide a screening device on those side and rear lot lines abutting a R-Residential District in accordance with provisions of Article VI, Subsection 600.6 and 600.9.
  - I. If rental trucks and trailers are stored on the premises, a minimum lot area of twelve thousand (12,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.
2. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
- A. The proposed site must be located in an existing building that is also available for retail business and is designed to accommodate a minimum of two (2) retail businesses.
  - B. The proposed site must have an off-street parking area adjacent to and developed for the purpose of providing parking for the retail businesses and the church.

#### SECTION 404.4      AREA AND BULK REQUIREMENTS

See Section 409, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing yard setback requirements.

SECTION 405        B-2 GENERAL BUSINESS DISTRICT

SECTION 405.1     PURPOSE

The B-2 General Business District is intended to provide a zone for business and uses of all types that would be better located outside of the general retail business district and not in close proximity to the township residential population.

SECTION 405.2     PERMITTED USES

The following uses shall be permitted provided screening devices are provided along those sides and rear lot lines abutting a residential development in accordance with provisions of Article VI, Section 600.6 and 600.9 and all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way.

1.     All Retail business provided for in a B-1 District
2.     Farm machinery sales and service establishments
3.     Retail nursery sales and tree and landscape service establishments
4.     Monument sales and mortuaries
5.     Nursing Home, Rest Homes, and Convalescent Homes
6.     Business and Trade Schools
7.     Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
8.     Parking and loading as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
9.     Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
10.    Sexually oriented Business
  - (a).   Sexually Oriented Business as defined provided:
    1.     That the parcel of land upon which the sexually oriented business is located is at a minimum of five hundred (500) feet from the

nearest parcel of land containing a school, church funeral home or residence.

2. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
3. Nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.
4. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way.

#### SECTION 405.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals.

1.      Automotive Car Washes

Providing a setback of at least fifty (50) feet (measured from the right-of-way line) shall be maintained; and further provided ingress and egress points shall be located at least two hundred-fifty (200) feet from a street intersection (measured from the intersection of the street right-of-way line); and further provided that stacking space is provided off the street and outside the public right-of-way for at least twenty (20) motor vehicles.

2.      Funeral establishments

Providing adequate assembly area is furnished off the street and outside the public right-of-way for vehicles to be used in funeral processions, and further providing that such assembly area shall be provided in addition to any required off-street parking area.

3.      Gasoline service stations, subject to the conditions provided in Section 404.3 (1)
4.      Churches and other buildings for the purpose of religious worship, subject to the following conditions:

- A. The proposed site must be located in an existing building that is also available for retail business and is designed to accommodate a minimum of two (2) retail business.
  - B. The proposed site must have an off-street parking area adjacent to and developed for the purpose of providing parking for the retail businesses and the church.
5. Garage, Auto Service repair subject to the following conditions:
- A. Such repair garages shall provide only mechanical, electrical, or preventive maintenance type services, excluding auto body repairs, painting, tire recapping, upholstering, or auto glass replacement.
  - B. Curb cuts for ingress or egress shall be located so as to minimize traffic hazards on adjacent streets. Entrances and exits shall be not less than 200 feet from any street intersection measured from the intersection of curb lines, or from any adjoining residential district.
  - C. The minimum lot area shall be at least 20,000 square feet to provide for the proper location of drives and off street storage of vehicles awaiting service or customer pick-up. The minimum front yard setback shall be 50 feet measured from the right-a-way; and the minimum side and rear yard setback shall be 25 feet, except where a side or rear yard lot line abuts a residential district, where the minimum setback shall be 50 feet from any side or rear lot line.
  - D. An approved obscuring fence or green belt at least six feet in height shall be required on those side or rear lot lines abutting a residential district, and also surrounding those areas where vehicles may be parked or stored for a period in excess of 48 hours. This storage area must be in back of the front building lines.
  - E. All repair work shall be performed entirely within the building and no materials, parts, supplies, or tool shall be stored outside of the building or garage. No motor vehicle shall be parked on the premises for longer than 48 hours except when stored within the building or garage or a approved storage area as specified in division (B) (4) above.
  - F. All drives, parking areas, and vehicle storage areas shall be improved with an asphaltic concrete or portland cement surface which shall be properly graded and drained so as to dispose of surface water to an approved outlet.

- G. All lighting on the site shall be directed or shielded from adjacent residential districts and from passing motorists on adjacent streets.
  - H. The property shall be kept free of weeds and rubbish, and collection containers for rubbish and discarded vehicle parts or accessories shall be provided in an area shielded from vision from adjoining streets by an obscuring fence or similar enclosure. These collection containers shall be to the rear of the building.
6. Self-Storage Facilities subject to the following conditions:
- A. Curb cuts for ingress or egress shall be located so as to minimize traffic hazards on adjacent streets. Entrances and exits shall be not less than 200 feet from any street intersection measured from the intersection of curb lines, or from any adjoining residential district.
  - B. An approved obscuring fence or green belt at least six feet in height shall be required on those side or rear lot lines abutting a residential district.
  - C. All storage shall be entirely within the buildings and no materials shall be stored outside of the buildings. No facility shall exceed one story in height.
  - D. All drives shall be improved with an asphaltic concrete or Portland cement surface which shall be properly graded and drained so as to dispose of surface water to an approved outlet.
  - E. All lighting on the site shall be directed or shielded from adjacent properties and from passing motorists.
  - F. The property shall be kept free of weeds and rubbish and discarded patron materials.

#### SECTION 405.4 AREA AND BULK REQUIREMENTS

See Section 409, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.



SECTION 406            B-3 HIGHWAY SERVICE BUSINESS DISTRICT

SECTION 406.1        PURPOSE

The following uses shall be permitted provided screening devices are provided along those sides and rear lot lines abutting a residential development in accordance with provisions of Article VI, Section 600.6 and 600.9 and all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way

1.     Eating and drinking establishments.
2.     Restaurants, or other places serving food or beverages, and having the characteristics of a "drive-in".
3.     Passenger-transportation agency and terminal.
4.     New and used car salesroom or office.
5.     Other highway service business uses similar in character to above permitted uses.
6.     Indoor recreational business such as:
  - A.     Motion picture theaters
  - B.     Bowling alleys, billiard and pool halls
  - C.     Skating rinks
  - D.     Swimming pools
  - E.     Court clubs
  - F.     Video Arcades
  - G.     Other similar recreational businesses
7.     Accessory uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
8.     Parking and loading as regulated by Article VI, GENERAL PROVISIONS of this Resolution.

9. Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution

#### SECTION 406.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals.

1. Automotive Car Washes

Providing a setback of at least fifty (50) feet (measured from the right-of-way line) shall be maintained; and further provided ingress and egress points shall be located at least two hundred (200) feet from a street intersection (measured from the intersection of the street right-of-way line); and further provided that stacking space is provided off the street and outside the public right-of-way for at least twenty (20) motor vehicles.

2. Motels/Hotels subject to the following restrictions:

- A. Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect the movement of traffic along a major thoroughfare: and further provided ingress and egress points shall be located at least two hundred (200) feet from street intersection measured from the intersection of the street right-of-way line.
- B. Each sleeping unit within the structure shall contain not less than two hundred (200) square feet of floor area.
- C. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.

3. Gasoline Service Stations, subject to the conditions provided in Section 404.3(1).

#### SECTION 406.4 AREA AND BULK REQUIREMENTS

See Section 409, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 407            I - 1 LIGHT INDUSTRIAL DISTRICT

SECTION 407.1        PURPOSE

The I - 1 Light Industrial Districts are designed to accommodate uses which provide repair, storage, manufacturing, processing, wholesaling and distribution facilities and whose external, physical effects are restricted to the area of the district. The uses permitted are such that they will not have an undesirable or detrimental effect on adjacent residential and business districts and because of their nature, products and processes require locations separate from establishments which process or manufacture raw materials.

SECTION 407.2        PERMITTED USES

The following uses shall be permitted provided screening devices are provided along those sides and rear lot lines abutting a residential development in accordance with provisions of Article VI, Section 600.6 and 600.9 and all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way

1.     The following basic research, design, and experimental firms when conducted within a completely enclosed building:
  - A.     Pharmaceutical, electrical instruments and devices.
  - B.     Processing of experimental film or testing, providing no operations shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
2.     The manufacturing, compounding, processing and assembly of the following products when conducted wholly within a completely enclosed building, or within an area enclosed on all sides by a six (6) foot fence or wall.
  - A.     Bakery goods, candy, domestics, toiletries, and other food products; except fish, sauerkraut, yeast and the refining or rendering of fats and oils.
  - B.     Products from the following previously prepared materials: bone, canvas, cloth, cellophane, cork, feathers, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, silicon, sheet metal, shell, textiles, tobacco, wood and yarns.
  - C.     Musical instruments, toys, novelties, rubber or metal stamps and other small rubber or plastic molded products.

- D. Electrical appliances, television sets, radios, phonographs, household appliances.
  - E. Tool, die, garage and machine shops.
3. Wholesaling establishments, warehouse, storage and transfer facilities, gas and electrical service buildings. Water supply and sewage disposal plants, water and gas tanks, railroad transfer and storage tracks and freight terminal facilities.
  4. Building materials, sales yards, lumber yards provided all materials are located within a building or within an area enclosed on all sides by an obscuring fence or wall six (6) feet in height. The extent of such wall or fence may be determined by the Board of Zoning Appeals.
  5. Accessory uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
  6. Parking and loading as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
  7. Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.
  8. Sexually Oriented Business as defined by Section 405.2(10)(b) provided:
    - A. That the parcel of land upon which the sexually oriented business is located is at a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, funeral home or residence.
    - B. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
    - C. Nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.
    - D. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way.

SECTION 407.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals.

1. Restaurants or other places serving food or beverages except those having the nature of a "drive-in" subject to the following restrictions:
  - A. The entire activity shall be conducted within a totally enclosed main building. Further, all abutting or adjacent properties must be zoned for B-1, B-2, B-3, I-1 or I-2 purposes.
  - B. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way lines.
2. Strip mining and gravel extraction operations subject to the following restrictions:
  - A. A completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.
  - B. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

No rehabilitated slope shall exceed an angle with the horizontal of thirty (30) degrees.
  - C. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets and damage to any adjoining property.
  - D. Top soil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.
3. Gasoline service stations, subject to the following conditions:

- A. Such stations shall be used for the sale of gasoline, oil and minor accessories only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.
- B. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than two hundred (200) feet from a street intersection (measured from the intersection of the curb lines) or from the adjacent residential districts.
- C. The minimum lot area shall be twelve thousand (12,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- D. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
- E. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.
- F. Construction shall begin within one (1) year from the date of approval by the Township Zoning Board of Appeals.
- G. All lighting shall be shielded from all adjacent R-Residential Districts.
- H. Gasoline service stations shall provide a screening device on those side and rear lot lines abutting a R-Residential district in accordance with provisions of Article VI, Subsections 600.6 and 600.9.
- I. If rental trucks and trailers are stored on the premises, a minimum lot area of twelve thousand (12,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

#### SECTION 407.4 AREA AND BULK REQUIREMENTS

See Section 409, "SCHEDULE OF REGULATIONS", limiting the height and bulk of

buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 408        I - 2 HEAVY INDUSTRIAL DISTRICT

SECTION 408.1     PURPOSE

The I-2 Heavy Industrial Districts are designed to accommodate industrial uses in the fields of manufacturing, processing and fabricating, including large scale industrial operations whose external physical effects may be felt by uses located in residential and business districts. The I-2 Heavy Industrial District is regulated to be exclusively used for industrial purposes free from encroachment by residential or business development.

SECTION 408.2     PERMITTED USES

The following uses shall be permitted provided screening devices are provided along those sides and rear lot lines abutting a residential development in accordance with provisions of Article VI, Section 600.6 and 600.9 and all points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way

1. Any of the uses permitted in an I-1 Light Industrial District.
2. The following uses provided storage is within an enclosed building or outdoor storage area and enclosed on all sides by an obscuring fence or wall six (6) feet in height measured from the surface of the ground:
  - A. Contractors' equipment, storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - B. Repair services for machinery and equipment including repair garages and specialty establishments, such as motor, body and fender, radiator, tune ups, tire repairing, sales and services including vulcanizing.
  - c. Laundry, cleaning and dyeing plants.
3. Automobile assembly
4. Automobile tire manufacturing.
5. Boiler shops, machine shops, structural steel, fabricating shops, metal working shops employing reciprocating hammers or presses.
6. Brewing or distilling of liquors.
7. Brick, pottery, tile manufacturing.



8. Bulk stations.
9. Cement, bituminous or asphaltic concrete mixing.
10. Coal and coke yards.
11. Chemical and allied products
12. Enameling or lacquering
13. Flour or foundry works
14. Forge or foundry works
15. Linoleum, oil cloth or oil goods manufacturing
16. Liquid and bottled gas manufacturers
17. Machinery, except electrical equipment.
18. Meat packing, including the slaughtering of animals or stockyards.
19. Plastics and synthetic resins.
20. Steam plants.
21. Tool, die, stamping and metal fabrication.
22. Vinegar and yeast manufacture.
23. Accessory uses as regulated by Article VI, GENERAL PROVISIONS of this Resolution.
24. Parking and loading as regulated by Article VI, GENERAL PROVISIONS of this Resolution.
25. Temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 408.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for

each use, the provision of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Restaurants or other places serving food or beverages except those having the nature of a "drive-in" subject to the following restrictions:
  - A. The entire activity shall be conducted within a totally enclosed main building. Further, all abutting or adjacent properties must be zoned for B-1, B-2, B-3, I-1 or I-2 purposes.
  - B. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way lines.
2. Gravel extraction operations subject to the following restrictions:
  - A. Completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.
  - B. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.  
  
No rehabilitated slope shall exceed an angle with the horizontal of thirty (30) degrees.
  - C. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets and damage to any adjoining property.
  - D. Top soil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.
3. Gasoline service stations, subject to the following conditions:
  - A. Such stations shall be used for the sale of gasoline, oil and minor

accessories only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.

- E. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than two hundred (200) feet from a street intersection (measured from the intersection of the curb lines) or from the adjacent residential districts.
- F. The minimum lot area shall be twelve thousand (12,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- G. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
- H. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.
- I. Construction shall begin within one (1) year from the date of approval by the Township Zoning Board of Appeals.
- J. All lighting shall be shielded from all adjacent R-Residential Districts.
- K. Gasoline service stations shall provide a screening device on those side and rear lot lines abutting a R-Residential district in accordance with provisions of Article VI, Subsections 600.6 and 600.9.
- L. If rental trucks and trailers are stored on the premises, a minimum lot area of twelve thousand (12,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

#### SECTION 408.4 AREA AND BULK REQUIREMENTS

See Section 409, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 409  
SCHEDULE OF REGULATIONS  
SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY DISTRICT

DISTRICT USE		MINIMUM LOT AREA REQUIREMENTS PER (a)	MAX HEIGHT OF BUILDINGS			MINIMUM YARD SETBACK PER LOT IN FEET				MIN FLOOR AREA SQ FT
	DU PER ACRE	AREA IN SQ FT DU	WIDTH IN FEET	IN FEET	IN STORIES	FRONT YARD	EACH SIDE YARD	SUM OF WIDTHS	REAR YARD	
R-1 RESIDENTIAL (1 & 2 FAMILY)	1.5(a)	29,000	100(a)	40	2	40	10	20	25	1,000(d)
R-2 RESIDENTIAL (1 & 2 FAMILY) (TOWNHOUSES)	2.5 7.5	17,500 17,500	80(a) 80(a)	40 40	2 2	40 40	10 10	20 20	25 25	700(b)(d)
B-1 BUSINESS (NEIGHBORHOOD)				40	3	30	20(c)	40	30(c)	
B-2 BUSINESS (GENERAL)				40	3	30	20(c)	40	30(c)	
B-3 BUSINESS (HIGHWAY SERVICE)				40	3	40	20(c)	40	30(c)	
I-1 INDUSTRIAL (LIGHT)				40	3	50	30(c)	60	30(c)	
I-2 INDUSTRIAL (HEAVY)				40	3	50	30(c)	60	30(c)	
RD-RECREATIONAL				40	2	30	30(c)	60	30(c)	

## NOTES TO SECTION 409

- a. Minimum lot area requirements are always subject to current Richland County Health Department and E. P. A. regulations and could require more area for on site sewage disposal.
- b. See definition for type of multiple family unit. Townhouse units must meet floor area requirements of multiple family dwellings.
- c. Screening devices shall be provided along those side and rear lot lines abutting a residential development in accordance with provisions of Article VI, Subsections 600.6 and 600.9.
- d. Minimum floor area shall include the total livable floor space exclusive of garages and basements.

1. PURPOSE: The Township, recognizing with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District. The following regulations are provided for the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services and encouraging innovation in the planning and building of residential developments.
2. APPLICATION: The provisions of this chapter of the Zoning Resolution shall apply to all lands of the Township for parcels greater than fifteen (15) acres. The area of a district must be an integral tract. It cannot be a collection of isolated pieces of land.
3. PERMITTED USES: Within the Planned Residence District (PR) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:
  - A. Single-family or multi-family permanent dwelling be it either detached, semi-detached, attached, industrial unit, cluster, patio, common wall or any reasonable variation on the same theme.
  - B. Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
4. PROHIBITED USES:
  - A. No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.
  - B. Outdoor storage of inoperable, unlicensed or unused motor vehicles is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
  - C. No trailer of any type, no boats, no motor homes and no equipment of any

type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

- D. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

- 5. PROCEDURE: In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezoning lands to this district shall follow the procedures hereinafter set forth:

- A. Application: The owner or owners of lots within the township may request that the zoning map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this resolution.

- B. Development: Eight (8) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- (1) The proposed size and location of the Planned Residential District.
- (2) The general development character of the tract including the specific limitations or controls to be placed on residential and related uses, with probable lot sizes and other development features including landscaping.
- (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- (4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- (5) The proposed traffic patterns showing public and private road and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. Any development utilizing a private road must document its approval by the City of Mansfield or Richland County and must have a minimum width of sixty (60) feet fronting on a public road.

- (6) The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development timetable.
- (7) The proposed timetable or schedule for development of the site including street, transportation facilities, building, utilities and other facilities.
- (8) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

C. Criteria for Approval: In approving an application for a Planned Residence District, the reviewing authorities shall determine:

- (1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- (2) If the proposed development is in conformity with the Zoning Resolution and/or comprehensive plan or portion thereof as it may apply.
- (3) If the proposed development advances the general public welfare of the township and the immediate vicinity.

D. Procedure for Rezone: The procedure outlined in Ohio Revised Code 519.12 shall be followed to consider an application for a rezone to a Planned Residence District. Approval of the application pursuant to that section shall constitute a rezone of such land in accordance with the applicant's Development Plan.

E. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administrative Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for administrative review and approval before filing to insure substantial



compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public notice by the Township Trustees upon submittal of a written application.

#### Major Deviations and Public Hearing

Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written application to the Township Trustees. The application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include but not be limited to changes in use and/or character of the development, increases of density of more than ten (10%) percent and increases in numbers of structures. (Any change in land use not otherwise permitted by this Resolution in a Planned Residential District shall require a rezone of the land).

Upon receipt of any application for a major deviation from the approved Development Plan the Township Trustees shall forward the application to the Township Zoning Commission. The applicant shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the Commission's recommendation the Township shall hold a public meeting on the application. The public meeting shall be held within ten days of receipt of the Commission's recommendation. Notice of the public meeting shall be published once at least three (3) days before the date of the meeting. Within twenty days of the meeting the Township Trustees shall either approve or disapprove the landowner's application. The applicant can amend his application at anytime prior to the Township Trustees vote. Approval of the application shall require a majority vote of the Trustees. An applicant can submit subsequent applications for major deviations at anytime provided there is a reasonable and material amendment to the preceding application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Township Trustees shall be final and not appealable.

- F. Plat Required: In the Planned Residential District (PR), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for the City of Mansfield, Ohio and Richland County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- (1) Site arrangement, including building setback lines and space to be built upon with the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
- G. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the plan shall expire, unless an extension of the time limit has been approved by a majority of the Township Trustees.
6. DEVELOPMENT STANDARDS: In addition to any other provisions of this resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.
- A. Intensity of Use: For purposes of development within the Planned Residence District in Washington Township, the maximum density for development shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Units Per Gross Acre</u>
Single Dwelling Units	2
Multi-Family Dwelling Units	4

- B. Open Spaces: Organized open spaces shall be provided as regulated by the applicable City of Mansfield for Richland County Subdivision Regulations.
- C. Arrangement of Structures: The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:

(1) Set Back: Single Family dwellings shall have a set back from the right-of-way line of adjacent roads a distance equal to the width of the right-of-way as approved in the plan of development or the existing streets and roads. All other structures within the Planned Residence District shall have a set back from the right-of-way equal to the right-of-way of roads within the development or the right-of-way of existing roads.

(2) Side Yards: A single family dwelling shall have a side yard of not less than ten (10) feet on each side of the structure. For all other structures within the Planned Residence District the side yard shall be not less than one sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within the development except as follows:

- a. In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure, and
- b. In the event said wall has windows said structure shall be not closer than twenty-five (25) feet to the adjoining structure without regard to lot lines.

In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

The requirements for side yards herein shall apply to the principal structures but shall not be interpreted as prohibiting designs of single family structures normally referred to as common wall, cluster, patio or other variations on the same theme.

(3) Rear Yards: A rear yard of not less than twenty-five (25) feet shall be maintained on all parcels within this district.

(4) Building Height Limits: No building in this district shall exceed forty (40) feet in height.

D. Landscaping: All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision

plat.

- E. Site Development: The planned unit development standards provided herein are for zoning purposes only. Any landowner intending to subdivide the property for individual sale and ownership of lots must comply with the applicable subdivision regulations of the City of Mansfield or Richland County.
- F. Parking: Off-street parking shall be provided, at the time of construction of the dwellings. Each dwelling must be provided with two parking spaces. On-street parking shall not be permitted. Parking for permitted non-residential uses shall comply with the applicable parking regulations of this resolution.
- G. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner. Any owner utilizing a private road for access to the public road by the development shall be solely responsible for its construction, maintenance and repair. Any approval by the township to rezone the property to a Planned Residential District shall not constitute acceptance of any road or right-of-way or obligate the township in any way to its construction, maintenance or repair.

## SECTION 501

### PC PLANNED COMMERCIAL AND OFFICE DISTRICT

- 1. PURPOSE: The Township, recognizing that with increased urbanization and population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township, hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general public welfare of the inhabitants of the Township.
- 2. APPLICATION: This provision of the zoning resolution shall apply to all lands within the township which are to be used for office and/or commercial purposes and for parcels greater than twenty (20) acres. The area of a district must be an integral tract. It cannot be a collection of isolated pieces of land.
- 3. PERMITTED USES: Within the Planned Commercial and Office District (PC)

the following uses, developed in strict compliance with the approved development plan and standards shall be permitted:

- A. Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- B. Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- C. Commercial Establishments normally associated with and intended to service the traveling public with hotels, motels, short-term residences, service stations, restaurants, and other uses of a recreational, educational, cultural or entertainment nature or character.
- D. Apartments or Dwellings which are planned to be integrated into the Commercial Development according to a development plan provided such apartments or residences do not exceed ten (10) percent of the gross area of the development.

4. PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.
- B. Outdoor storage of inoperable, unlicensed or unused motor vehicles are prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- D. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

5. PROCEDURE: In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezoning lands to this district

shall follow the procedures hereinafter set forth:

- A. Application: The owner(s) or lessee(s) of lots within the township may request that the zoning map be amended to include such tracts in the Planned Commercial District in accordance with the provisions of this resolution.
- B. Development: Eight (8) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
  - (1) The proposed size and location of the Planned Commercial District.
  - (2) The general development character of the tract including the specific limitations or controls to be placed on commercial office, residential and related uses, with probable lot sizes and other development features including landscaping.
  - (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - (4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - (5) The proposed traffic patterns showing public and private road and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. Any development utilizing a private road must document its approval by the City of Mansfield or Richland County and must have a minimum width of sixty (60) feet fronting on a public road.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development timetable.
  - (7) The proposed time-table or schedule for development of the site including street, transportation facilities, building, utilities and other facilities.
  - (8) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in

no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

- C. Criteria for Approval: In approving an application for a Planned Commercial District, the reviewing authorities shall determine:
- (1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
  - (2) If the proposed development is in conformity with the zoning resolution and/or comprehensive plan or portion thereof as it may apply.
  - (3) If the proposed development advances the general public welfare of the township and the immediate vicinity.
- D. Procedure for Rezone: The procedure outlined in Ohio Revised Code 519.12 shall be followed to consider an application for a rezone to a Planned Commercial District. Approval of the application pursuant to that section shall constitute a rezone of such land in accordance with the applicant's Development Plan.
- E. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administrative Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for administrative review and approval before filing to insure substantial compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public notice by the Township Trustees upon submittal of a written application.

Major Deviations and Public Hearing

Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written application to the Township Trustees. The application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include but not be limited to

changes in use and/or character of the development, increases of density of more than ten (10%) percent and increases in numbers of structures. (Any change in land use not otherwise permitted by this Resolution in a Planned Commercial District shall require a rezone of the land).

Upon receipt of any application for a major deviation from the approved Development Plan the Township Trustees shall forward the application to the Township Zoning Commission. The applicant shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the Commission's recommendation the Township shall hold a public meeting on the application. The public meeting shall be held within ten days of receipt of the Commission's recommendation. Notice of the public meeting shall be published once at least three (3) days before the date of the meeting. Within twenty days of the meeting the Township Trustees shall either approve or disapprove the landowner's application. The applicant can amend his application at anytime prior to the Township Trustees vote. Approval of the application shall require a majority vote of the Trustees. An applicant can submit subsequent applications for major deviations at anytime provided there is a reasonable and material amendment to the preceding application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Township Trustees shall be final and not appealable.

- F. Plat Required: In the Planned Commercial District (PC), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Richland County, Ohio, or City of Mansfield, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- (1) Site arrangement, including building setback lines and space to be built upon with the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- (2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land,



the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for residential uses.

- G. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the plan shall expire, unless an extension of the time limit has been approved by a majority of the Township Trustees.

6. DEVELOPMENT STANDARDS: In addition to any other provisions of this resolution the following standards for arrangement and development of lands and buildings are required in the Planned Commercial District.

- A. Lot Width and Size: Except that any development under the standards of this Chapter shall have a minimum acreage greater than fifteen (15) acres. No minimum lot width or size shall be required in this district, however, all lands shall be accessible by means of a duly dedicated public roadway constructed in accordance with the specifications prescribed by the County Engineer or the Subdivision Regulations of the county or City of Mansfield. All parcels shall be adequate in size to provide the yard space, landscaping and off-street parking as herein required.

B. Setbacks:

- (1) Side Yard. There shall be no required side yard setback between businesses which are located in the same building, but there shall be a minimum of an eight foot setback between any building and the side yard line which shall not be used for any other purpose. If the side yard abuts a residential district or existing residential use, the minimum side yard setback on that side shall be thirty feet which shall not be used for any other purpose.
- (2) Rear Yard. Rear yard setbacks shall be a minimum of thirty feet or twenty percent (20%) of the total depth of the lot whichever is less, but in no event, less than ten feet. If a rear yard abuts a residential district or existing residential use, the minimum rear yard setback shall not be used for any other purpose and shall be maintained as green space only and planted with grass, trees, shrubs, or flowers.
- (3) Front Yard. Front yard setbacks shall be a minimum of thirty feet.

- C. Building Heights: No building within this district shall exceed forty (40) feet in height. This height restriction may be extended by the Township

Trustees at such time the Township Fire Chief warrants that fire apparatus is in service that provides fire safety to buildings of greater height.

- D. Landscaping: All yards, front, rear, and side shall be landscaped. Such landscape plans shall be submitted with the Development Plan. The following provisions shall apply to the Landscape Plan:
- (1) As used in this section "living landscape materials" includes grass, ground cover, vines, shrubs, trees, hedges, and perennial flowers.
  - (2) Non-living landscape materials shall include crushed brick, pea gravel, beach pebbles, flagstone, sand, ornamental stones, boulders, bricks, or crushed brick.
    - a. Landscaping composed of living plant materials shall be used in an area equal to at least ten percent (10%) of the minimum front yard setback area, but may be located anywhere between the road right-of-way and the principal building.
    - b. Except to the extent that the balance of the front yard setback area is used for parking, driveways, maneuvering lanes or sidewalks as otherwise permitted or required under the Zoning Resolution, the remainder of the front yard setback area shall be landscaped with either living or non-living landscaped materials.
  - (3) No bare earth shall be permitted to be exposed after the project is completed.
  - (4) Common or naturally occurring weeds shall not be permitted as part of the landscape plan.
  - (5) No landscape materials which are placed within ten feet of the street right-of-way shall exceed twenty-four inches in height.
  - (6) All landscape materials shall be installed in a manner which is in accordance with acceptable construction planting practices.
  - (7) Landscape materials approved in the site plan shall be installed within twelve months of the approval of the site plan.
  - (8) The property owner shall be responsible for the continued proper

maintenance of all landscape materials and shall keep them so as to present a neat and attractive appearance.

- (9) All unhealthy and dead plant material shall be replaced during the next planting season.

E. Signs:

- (1) Signs Permitted. The following signs are permitted:

- a. On premises activities signs as hereinafter regulated
- b. Off premises activities signs subject to the following:

The minimum lot width for the location of any off-premises sign shall be two-hundred feet. In addition no sign shall be located within one-thousand feet of any existing off-premises sign nor within two-hundred-fifty feet of any street right-of-way intersection. Each off-premises sign shall not exceed two hundred square feet of total display area.

- (2) Size Limitations. Each establishment shall be allowed the following signs for advertising on premises activities:

- a. One wall sign with a maximum area of forty square feet for each 1,000 square feet of floor area open to the public, but in no event larger than 300 square feet.
- b. In lieu of one wall sign stated in subsection (a) hereof, one projecting sign with a maximum area of twenty square feet per side for each 1,000 square feet of area open to the public but in no event larger than 150 square feet per side.
  - i. One pole or pylon sign with a maximum area of 150 square feet per side
  - ii. Accessory signs such as those denoting brand names of articles sold or credit cards accepted not to exceed twenty square feet per business

- (3) Pole or Pylon Signs:

- a. Heights - No pylon or pole sign shall be higher than thirty feet from the ground unless reasonable and practical difficulties can be shown, but under no circumstances shall any pole sign exceed a height of 100 feet from the ground.
  - b. Location - No pole or pylon sign shall be located closer than twenty feet of any adjoining property line or closer than ten feet from the public right-of-way except signs higher than thirty feet shall be located no closer than thirty feet from the public right-of-way.
- F. Parking: Off-street parking shall be provided at the time of construction of the main structure or building. The parking plan shall include a plan that addresses ingress and egress from the property as well as traffic control and impact on adjoining and abutting parcels as these relate to traffic safety and the reasonable movement of traffic. The following standards shall be applied:
- (1) Use of Parking Spaces: Except in residential areas, all off-street parking shall be used only for the temporary parking of motor vehicles.
  - (2) Front Yard Parking: No required off-street parking shall be located within ten feet of the street right-of-way line.
  - (3) Parking Areas:
    - a. Conversion. No area designated for off-street parking may be sold, the lease thereon permitted to be canceled nor converted to another use if in so doing the minimum number of parking spaces required by this Zoning Resolution are not retained.
    - b. Surface. All off-street parking areas and all driveways, shall be Portland cement concrete or asphaltic concrete and well drained.
  - (4) Parking Spaces:
    - a. Size. All off-street parking spaces shall be laid out and maintained as follows:

<u>Parking Angle at Base Line (degrees)</u>	<u>Parking Width</u>	<u>Space Length (ft)</u>	<u>Maneuvering Lane Width (ft)</u>
45	8'4"	20	12
60	8'6"	20	15
90	9'	20	20

- b. Minimum Required Parking Spaces. The following shall be the minimum number of spaces required:

Residential Uses

- i. One or two-family dwelling units, two per dwelling unit which may include parking space in the garage.
- ii. Multiple family dwelling units, two per dwelling unit plus one for each full-time employee which may include parking spaces in garages.

Commercial Uses

- iii. Retail stores and shopping centers three spaces for each 1,000 square feet of floor area open to the public.
- iv. Restaurants, one space for each employee and one space for each three customer seats.
- v. Hotels or motels, one space for each employee and five for every four guest rooms.
- vi. Indoor recreation and entertainment, one space for each employee and one space for each 200 square feet of area open to the public.
- vii. Outdoor recreation except golf courses, one space for each employee and one for each 300 square feet open to the public.
- viii. Golf course, one space for each employee and three for every green.

- (5) Location of Parking Spaces: All parking shall be located on a lot owned or leased by the applicant and the Trustees may require proof of the applicant's right to use any non-owned property.
- (6) Joint parking Areas: No parking area may be used to meet the requirements of this Zoning Resolution for two or more land uses unless the area is adequate to satisfy the requirements of this Resolution for all such uses simultaneously.
- (7) Use of Setback Areas for Parking: Setback areas may be used for parking provided the plan is in keeping with the overall Development Plan and the requirements of the Zoning Resolution.
- (8) Variances: Where because of unusual circumstances with respect to the land use or unusual topographical features, the number or size of parking spaces required by this Zoning Resolution are in excess of those that are likely to be actually needed, the Trustees shall have the authority to reduce the parking requirements of this Chapter.
- (9) Access to Parking Spaces: Access to all off-street parking spaces and loading docks shall be by means of a maneuvering lane. Except for one and two family residential driveways, no parking space shall be arranged so as to require backing directly onto a public street.
- (10) Unspecified Uses: Whenever this Zoning Resolution fails to provide the parking space requirements for a specific use, the Trustees are authorized to designate the appropriate number of parking spaces and shall make the compliance with its order a condition of the Development Plan approval. In reaching its decision, the trustees shall consider the following factors:
  - a. The maximum number of employees, customers and other persons who will be on the premises at any one time.
  - b. The length of time each person will be present.
  - c. The likelihood that persons will arrive by motor vehicle.
  - d. The number of spaces required for uses comparable to the proposed use.

- (11) Lighting: No area lighting or lighting of buildings shall be permitted which causes unreasonable illumination of adjacent property. For the purposes of this section, the following provisions shall apply:
- a. General Requirements - All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:
    - i. Use of fully shielded cut-off fixtures;
    - ii. Directing light fixtures downward rather than upward;
    - iii. Shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance.
- (12) Service/Loading Areas: When any use within this district requires the pick up or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways. Open service areas shall be screened or designed to effectively screen their visibility from adjoining streets or buildings.
- (13) Construction and Maintenance of Improvements Within Right-Of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.
- (14) Drainage Channels: All drainage channels shall be maintained or be relocated so as to avoid flooding or damage to adjoining properties from surface waters.

SECTION 503            MH MANUFACTURED MOBILE HOME DISTRICTS

SECTION 503.1        PURPOSE

The Manufactured/Mobile Home Park district is established to accommodate Manufactured/Mobile Home/manufactured home units designed to permit occupancy by families desiring to live in smaller housing units. Manufactured/Mobile Home Parks possess density and site development characteristics similar to a multiple family residential district. The Manufactured/Mobile Home Parks are, in this Resolution, to be encouraged at locations that will provide for a more orderly extension of public utilities and facilities. It is the intent of this district to encourage the grouping of Manufactured/Mobile Home units on a unified site, providing adequate public facilities and services are available to all inhabitants of the Manufactured/Mobile Home Park development. It is intended that the regulations of this section not be in conflict with the rules and regulations adopted by the State of Ohio.

Definitions:

1.     Manufactured/Mobile Home Park: Means any parcel of land on which two or more Manufactured/Mobile Homes are parked for dwelling purposes.

SECTION 503.2        PERMITTED USES

1.     Manufactured/Mobile Homes Parks are subject to the following conditions and further subject to the review of a site plan by the Township Zoning Commission and the Township Trustees:
  - A.     The Manufactured/Mobile Home Park shall provide a forty (40) foot wide greenbelt and an obscuring screen six (6) feet in height on those front or side yards which abut onto a residential street. The obscuring screen shall be at the required height on those sides which abut existing residential dwellings. On those sides of said Manufactured/Mobile Home Park not requiring a forty (40) foot wide greenbelt, a twelve (12) foot greenbelt shall be provided. The park shall provide the obscuring screen at the designated height within six (6) months of the issuance of the Zoning Certificate.
  - B.     Access from Manufactured/Mobile Home Parks to the nearest public right-of-way of not less than sixty (60) feet in width. No access shall be permitted through an "R" Residential District.
  - C.     Adequate road and sidewalk systems shall be provided through the park to serve each Manufactured/Mobile Home stand. Five (5) foot wide



sidewalks must be provided on each side of a road unless an internal walkway system is provided. The road and sidewalk systems shall be constructed in accordance with the following road and sidewalk standards:

	Collector Roads	Minor Roads
Pavement Width	24'	22'
Walkway Width	5'	5'

\*If five (5) foot wide internal walkways are provided through a court or park area abutting onto the rear or side yard of each Manufactured/Mobile Home lot, only one (1) walkway shall be required, providing such walkway is continuous and provides access to all open space, recreation and service areas, and Manufactured/Mobile Home stand of the park.

- D. Each Manufactured/Mobile Home stand shall be served by a centralized sewer and water facility of the type approved by the Ohio State Department of Health and the B O C A.
- E. Each Manufactured/Mobile Home stand shall be equipped with individual trash receptacles adequately protected from spillage. The owner of the Manufactured/Mobile Home Park shall be responsible for furnishing each lot with trash receptacles.
- F. The Manufactured/Mobile Home Park shall further comply with any other county and state health department regulations, and any other resolutions of Washington Township.
- G. Sufficient space shall be provided on the Manufactured/Mobile Home Park site for the storage of Manufactured/Mobile Homes vacated for more than a thirty (30) day period, except due to temporary leave of absence. The storage area shall be provided with an obscuring screen. The area used for the storage of Manufactured/Mobile Homes shall be exclusive of any parks, public spaces, or rights-of-way of interior roads and said space shall not be used for the sale or service of Manufactured/Mobile Homes.
- H. Minimum Lot Area: Ten (10) acres.
- I. A centralized radio or television tower shall be provided to service all of the Manufactured/Mobile Home units in the Manufactured/Mobile Home Park Development. Such tower shall be located at one corner, and shall be

located at least twenty-five (25) feet away from any lot line.

2. Minimum Parking Requirements:

- A. Two (2) per Manufactured/Mobile Home stand.
- B. One (1) per Manufactured/Mobile Home park employee.

3. Area Regulations:

- A. Manufactured/Mobile Home minimum Setback Requirements:  
Minimum distance between Manufactured/Mobile Homes: twenty-five (25) feet.  
Minimum front yard setback: twenty (20) feet.
- B. Maximum Number of Manufactured/Mobile Home Units Per Acre: seven (7) units.
- C. Minimum Manufactured/Mobile Home Stand Dimensions:  
Sixty (60) foot unit: 60' X 14' X 36'
- D. Minimum Manufactured/Mobile Home Area (Sq. Ft.): seven hundred twenty (720) square feet.

## SECTION 504        RD RECREATION DISTRICT

### SECTION 504.1      PURPOSE

Certain types of recreational uses require large acreage of land, and/or unique topography (i.e.: race tracks, ski resorts, golf courses, riding stables, etc.). Provisions are hereby created to give special consideration through the establishment of a special district to accommodate such uses. In consideration of creation of the special district, the Township shall consider whether sufficient evidence has been presented to substantiate the fact that the proposed site is physically conducive to the proposed use, the creation of the district will not create an unnecessary burden to the community in regards to public services, that the proposed use will not be overtly disruptive to adjacent existing uses. Land use shall be recreational only and residential use whether permanent or temporary shall not be permitted.

### SECTION 504.2      PERMITTED USES

The following uses will be permitted subject to the development regulations listed below and further subject to the review and approval of a site plan by the Township Zoning Commission.

1. Publicly owned and/or operated parks, playgrounds and golf courses.
2. Recreational uses other than those publicly owned and/or operated such as: swimming pools, golf courses, tennis clubs, riding academies, ski resorts, racquetball courts, race tracks, ball fields, and other similar recreational uses.
3. Uses associated with the above, but clearly subsidiary to the principal uses such as: restaurants and bars.
4. Accessory uses as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
5. Parking and loading as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
6. Temporary buildings and structures as regulated in Article VI GENERAL PROVISIONS of this Resolution.

### SECTION 504.3      DEVELOPMENT REGULATIONS

1. All points of access to and from the site should be located no closer than two

hundred (200) feet from the intersection of two arterial thoroughfares and no closer than one hundred and fifty (150) feet from the intersection of an arterial thoroughfare and a local or collector thoroughfare.

2. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
3. Whenever the off-street parking areas or other obtrusive or non established pleasing uses are adjacent to land developed for one and two family residential purposes, a continuous and obscuring year-around greenbelt six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VI, GENERAL PROVISIONS of this Resolution.
4. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence six (6) feet in height measured above the level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
5. Loud speakers which cause a hazard or annoyance shall not be permitted.
6. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
7. Off street parking shall be provided as regulated in Article VI GENERAL PROVISIONS.

#### SECTION 504.4      AREA AND BULK REQUIREMENTS

See Section 409, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

## ARTICLE VI

### GENERAL PROVISIONS

#### SECTION 600      SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in Washington Township, Richland County, Ohio, and no building or structure or part thereof, shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose, except in conformity with the provisions of this Resolution. Only uses specifically authorized by this Resolution shall be permitted. Any use not so authorized shall not be allowed except as hereinafter expressly provided.

#### SECTION 600.1      NONCONFORMING LOTS, NONCONFORMING USES OF LAND AND NON CONFORMING STRUCTURES

1.      Purpose:

The purpose of this Section is to provide for the eventual and equitable elimination of nonconforming lots, nonconforming uses of land and non-conforming structures which do not conform to the provisions of this Resolution. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved.

2.      Intent:

Within the districts established by this resolution or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or its present amendments adopted, but which would be prohibited, regulated, or restricted under the terms of this resolution or amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

3.      Incompatibility of Non-Conformities:

Non-conformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged more than the (10) percent. However, a non-conforming use which is more consistent with the current zoning may be substituted for an existing use.

4. Avoidance of Undue Hardship:

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

5. Single Non-Conforming Lots of Record:

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this resolution.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variances of requirements of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article IX. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution.

6. Non-Conforming Uses of Land:

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

- A. No such non-conforming uses shall be enlarged or increased, nor extended, to occupy more than ten (10) percent more of the area of land that was occupied at the effective date of the adoption or amendment of this resolution;
- B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this resolution;

- C. If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

7. Non-Conforming Structures:

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

- A. No nonconforming structure may be altered or enlarged in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be reconstructed.
- C. Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

8. Non-Conforming Uses of Structures and Land in Combination:

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

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended by more than ten (10) percent, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- B. Any non-conforming use may be extended throughout any parts of a building which are manifestly arranged or designed for such a use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
- C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two years, shall thereafter conform to the regulations for this district, and the non-conforming use may not thereafter be resumed;
- D. When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- E. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

9. Repairs and Maintenance:

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

- 10. To the extent that this resolution as amended has made any pre existing use of land which was lawful at the time it was established a non-conforming use, the Board of Zoning Appeals is hereby authorized, in accordance with the requirements of Article IX of this resolution, to grant a variance as to the use of adjoining land in so far as they determine it necessary to carry out the long range development plans of the non-conforming use owner and the failure to grant such a variance will result in unusual hardship.

SECTION 600.2 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses as permitted in this Resolution shall be subject to the following conditions:



1. An accessory building attached to the principal building, shall comply with the requirements of this Resolution applicable to the main building.
2. Detached accessory buildings shall be permitted in any required side or rear yard provided that:
  - A. A detached accessory building shall be located no closer than six (6) feet from the required side or rear lot line.
  - B. Within an "R" District no accessory building shall exceed one (1) story in height.
  - C. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing adjacent streets.
  - D. Any accessory building, two hundred (200) square feet or under in size and not on a permanent foundation will not require a zoning permit.
  - E. Accessory buildings in R Residential Districts shall not exceed the following square feet maximums.
    - (1) On lots of one (1) acre or less, the total ground floor area of an accessory buildings shall not exceed 720 square feet.
    - (2) On lots greater than one (1) acre and less than five (5) acres, the total ground floor area of all accessory buildings shall not exceed 2.0% of the lot area or 1,920 square feet, whichever is less.
    - (3) On lots greater than five (5) acres, the total ground floor area of all accessory buildings shall not exceed 2.0% of the lot area or 5,000 square feet, whichever is less.
    - (4) No accessory building or any part thereof shall be used as a temporary or permanent dwelling.
    - (5) Accessory buildings that exceed 720 square feet cannot be used for a home occupation.

#### SECTION 600.3      OFF-STREET PARKING REGULATIONS

In all districts, in conjunction with the erection or enlargement of every building or

structure, off-street parking space shall be provided with adequate access to each space. In connection with all permitted uses, off-street parking spaces shall be provided before occupancy occurs.

1. General Regulations:

- A. Any area once designated as required off-street parking shall never be converted, changed until equal facilities are provided elsewhere.
- B. Land area designated for off-street parking facilities shall be used solely for the parking of vehicles and no commercial repair work, storage or service of any kind shall be conducted on all or any part of such parking lot.
- C. Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use which is similar in type and nature.
- D. The Board of Appeals may grant an exception to the requirements of this Section where joint use is made of parking facilities, providing the operating hours of such uses do not overlap.
- E. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.
- F. Public uses; such as, churches, schools and parks, may establish with business or industrial establishments joint parking facilities for fifty (50) percent or less of their required spaces, provided that a written agreement is forwarded, reviewed and approved by the Township Zoning Commission and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.

2. Minimum Number of Off-Street Parking Spaces Required -  
Use Designation/Minimum Number of Spaces Required

A. Residential Uses:

- |     |                               |   |
|-----|-------------------------------|---|
| (1) | One and Two Family Dwellings: | Two (2) per dwelling                    |
| (2) | Multiple Family Dwellings:    | One and one-half (1½) per dwelling unit |
| (3) | Townhouse Dwellings:          | One and one-half (1½) per dwelling unit |

- (4) Home Occupation Involving Incoming Vehicles: Three (3) per dwelling

B. Business Uses:

- (1) Beauty Parlor or Barber Shop: Three (3) spaces for each beauty or barber chair.  
One (1) space for each three (3) persons

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#### SECTION 600.4      OFF-STREET LOADING AND UNLOADING

Adequate space for the standing, loading or unloading of motor vehicles involving the distribution of materials or merchandise shall be provided on every lot in connection with every building or structure in order to avoid undue interference with the public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be laid out in the dimension of at least twelve by fifty (12 x 50) feet, or six hundred (600) square feet in area, with a clearance of at least fifteen (15) feet in height.
2. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
3. Loading space shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.
4. All loading or unloading spaces shall be provided according to the following ration of spaces to floor area:

<u>GROSS FLOOR AREA</u>	<u>SPACE REQUIRED PER USABLE FLOOR AREA</u>
0 - 5,000 sq. ft.	One (1) space;
5,001 - 25,000 sq. ft.	One (1) space plus one (1) space for each 10,000 square feet in excess of 5,001;
25,001 up	Three (3) spaces plus one (1) space for each 20,000 square feet in excess of 25,001.

#### SECTION 600.5      TEMPORARY BUILDINGS AND STRUCTURES

1. Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed a one (1) year provided the occupant obtains a temporary zoning permit.
2. A manufactured home may be temporarily used as a residence on a lot while a dwelling thereon is being reconstructed due to destruction by natural disaster or other act of God that makes the dwelling uninhabitable, for a period of six (6)

months provided a temporary permit is obtained from the Zoning Inspector and the owner agrees to remove the manufactured home upon expiration of the permit. The temporary permit may be renewed for one (1) additional six (6) month period for good cause shown.

- 3. Not more than one (1) recreational vehicle may be used as a temporary residence by a visitor on a lot with a permanent residence, provided that:
  - A. Such temporary residence shall not exceed thirty (30) consecutive days in any twelve (12) month period.
  - B. Application for a "Temporary Visitor's Zoning Permit" is filed with Zoning Inspector within three (3) days after arrival on the property.

SECTION 600.6      PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of a zoning or conditional zoning permit and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties. Suitable plant materials shall be provided in accordance with the following regulations:

- 1. Spacing
  - A. Plant materials shall not be placed closer than four (4) feet from the property line.
  - B. Where plant materials are planted in two or more rows, planting shall be staggered.
- 2. Suggested Plant Materials

<u>Plant Materials</u>	<u>Minimum Height   Diameter</u>
A.    Evergreen Trees	3.5'
(1) Hemlock	
(2) Pine	
(3) Spruce	
(4) Fir	
B.    Tree-Like Shrubs	4'

- (1) Mountain Ash
- (2) Dogwood
- (3) Redbud
- (4) Hornbeam
- (5) Hawthorne
- (6) Flowering Fruit Trees

C. Large Deciduous Shrubs 3'

- (1) Honeysuckle
- (2) Forsythia
- (3) Lilac
- (4) Buckthorn
- (5) Russian Olive
- (6) Viburnum
- (7) Wiegelia
- (8) Cotoneaster

D. Large Deciduous Trees 1"

- (1) Oaks
- (2) Birch
- (3) Honey Locust
- (4) Gum
- (5) Sycamore
- (6) Hard Maple
- (7) Ash

3. Prohibited Plant Materials

- A. Box Elder
- B. Elms
- C. Poplars
- D. Willows

SECTION 600.7 SIGN AND OUTDOOR ADVERTISING REGULATIONS

1. Purpose:

The purpose of this section is to promote and protect the public health and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to enhance and protect the

physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

2. General Regulations:

The following regulations shall apply to all signs and all use districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights except for digital signs. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (2a) and (2b) of this section shall not apply to any sign performing a public-service function indicating time, temperature, stock market quotations or similar services.
- C. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect.
- D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.
- E. No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in subsection 7 herein.
- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.



Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

- H. No sign erected or maintained in the window of a building, visible from any public or private street or highway shall occupy more than (20) percent of the window surface.
- I. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- J. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
- K. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in an safe and secure condition or remove the sign.
- L. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

3. Measurement of Sign Area:

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

4. Signs Permitted in All Districts Not Requiring a Permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- B. Professional name plates not to exceed four (4) square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

5. Signs Permitted in Any District Requiring a Permit:

- A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- B. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

6. Signs Permitted in Recreation, Business and Industrial Districts Requiring a Permit:

The regulations set forth in this subsection shall apply to signs in all recreation, business and industrial districts and such signs shall require a permit.

- A. In a recreation, business or industrial district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one half (1½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
- B. In a business or industrial district, two off-premises signs with at total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

7. Temporary Signs:

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general regulations listed in Subsection 2, the setback requirements in Subsections 11-14 and, in addition, such other standards deemed necessary to accomplish the purpose of this Section as stated in Subsection 1.

8. Free Standing Signs:

Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

9. Wall Signs Pertaining to Non-Conforming Uses:

On-Premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

10. Political Signs:

No Political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

11. Sign Setback Requirements:

Except as modified in Subsections 12-15 on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

12. Increased Setback:

For every square foot by which any on-premises sign exceeds fifty (50) square

feet, the setback shall be increased by one-half (½) foot but need not exceed one hundred (100) feet.

13. Setbacks for Off-Premises Signs:

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

14. Setbacks for Public and Quasi public Signs:

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

15. Special Yard Provisions:

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

16. Limitations:

For the purposes of this resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or business or land used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

17. Violations:

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with any of the provisions of this Section shall be deemed a violation and shall be punishable under Section 1300.3 of this resolution. Political signs posted in violation of Subsection 10 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Subsection 10 has been given.

SECTION 600.8      LANDFILL AND DUMPING OPERATIONS

The use of land for filling or dumping of earth, sand, gravel or waste materials, not in connection with general farming, agriculture, horticulture or landscape activities shall comply with the provisions of all other Resolutions of the Township of Washington relevant thereto.

## SECTION 600.9      SCREENING DEVICES

1. Fences are permitted within any R-Residential District subject to the following conditions:
  - A. Fences shall not exceed six (6) feet in height measured from the surface of the ground. Swimming pools shall be completely enclosed by a fence no less than six (6) feet in height.
  - B. All fences shall comply with the requirements of the Richland County Building Code as it applies to fence installation and materials, but in no instance shall a fence contain barbed wire or electric current except as provided in Section 971.03 of the Ohio Revised Code.
  - C. No fence shall except those serving a purely decorative purpose extend towards the front lot line beyond required minimum front yard setback.
  - D. Fences on recorded lots having a total area in excess of two (2) acres and a minimum lot width of at least one hundred (100) feet, and acreage or parcels not included within the boundaries of a recorded plat are excluded from these regulations.
2. A six (6) foot high obscuring fence shall be provided and maintained to obscure parking lots of multiple family residential developments from adjacent one family or two family residential developments in an R-3 District.
3. A six (6) foot high, fifteen (15) foot wide obscuring greenbelt measured from the lot line or a six (6) foot high obscuring fence on the inside of a fifteen (15) foot wide greenbelt measured from the lot line shall be provided and maintained for multiple family developments on those side and rear lot lines abutting an R-1 or R-2 District.
4. Masonry walls, obscuring fences and obscuring greenbelt shall be provided and maintained to obscure the uses within any "B" or "I" District with side and rear lot lines abutting a residential development or district from the residential development or district. Walls, fences and obscuring greenbelt shall be provided in conformance with the following regulations:

- A. A six (6) foot high, twenty-five (25) foot wide obscuring greenbelt measured from the lot line or a six (6) foot high obscuring fence or wall on the inside of twenty-five (25) foot wide greenbelt measured from the lot line shall be provided along those side and rear lot lines abutting a residential development or district.
  - B. No fence or wall or greenbelt shall be extended toward the front lot line beyond the required minimum front yard setback.
5. All swimming pools shall be surrounded on all sides by a minimum of a six (6) foot fence with a gate for access. All swimming pools including both in-ground and above-ground shall comply with the same setback requirements as accessory buildings applicable in the district in which it is located.

#### SECTION 600.10 CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two and one-half (2½) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines drawn between said right-of-way lines at a distance along each line of thirty (30) feet measured from their point of intersection. No fence, wall, greenbelt, planting strip, or other obstruction shall be permitted to exist in such a way as to constitute a safety hazard.

#### SECTION 600.11 PRINCIPAL BUILDING

Within any Residential District where the principal building is a one (1) family or two (2) family dwelling, only one (1) principal building shall be permitted on any one lot.

#### SECTION 600.12 CORNER LOTS

Corner lots in all districts are required to meet the minimum front yard setbacks, facing both streets as indicated in that district.

#### SECTION 600.13 LOTS, YARDS AND OPEN SPACES

No space which, for the proposed building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or open space requirements of or for any other building.

#### SECTION 600.14 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent with one another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

## SECTION 600.15     CONDITIONAL ZONING PERMITS

### 1.     Purpose:

Provision is made in this Resolution for a more detailed consideration of each of certain specified uses or activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic, and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required together with any other public facilities and services required, together with any other factors. Land and structural uses possessing these particularly unique characteristics are designated as Conditionally Permitted Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as the Board of Zoning Appeals shall deem necessary to carry out the provisions of Article IX of this Resolution.

### 2.     Procedure:

Any application for a Conditional Zoning Permit any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedures:

#### A.     Application to Board of Zoning Appeals:

Any application for a Conditional Zoning Permit for shall be submitted to the Board of Zoning Appeals on a special form provided for that purpose. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report, if it deems the proposed use may cause undue traffic generation, population concentrations, or extra size sewer and/or water utility systems. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals within thirty (30) days from the date upon which it was requested.

#### B.     Data Required with Application:

- (1)     Form supplied by the Zoning Inspector and completed by the applicant.

- (2) Site plan, plot plan or development plan of the entire property being considered, drawn at a scale of 1" = 100' and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their intended use. Site plan shall contain such information necessary to demonstrate that all applicable conditions are being complied with.

C. Review by Board of Zoning Appeals:

The Board of Zoning Appeals shall review the proposed development, as presented, on the submitted plans and specifications in terms of the conditions established for the specified use. In cases where the Board of Zoning Appeals requests a report from a consultant, the application will not be reviewed until the Board of Zoning Appeals has received the report along with a paid receipt for the cost of such report. Such review shall be completed and made public within sixty (60) days following the date the application was submitted.

After adequate review and study of any application, the Zoning Board of Appeals shall hold a public hearing upon every application. At least three (3) days prior to the date of the hearing adjacent property owners within two hundred (200) feet of the subject parcel shall be notified by mail of the impending hearing. Such notice shall indicate the place, time and subject of the hearing.

- D. Issuance and Revocation of Conditional Zoning Permits Only upon conclusion of review procedures, relative to a particular application, may the Board issue a Conditional Zoning Permit. The breach of any safeguard, condition, or requirement shall constitute a violation of this Resolution. Such violation shall be declared as a nuisance per se as per Article XIII of this Resolution.

SECTION 600.16 SITE PLAN REVIEW

1. A site plan shall be submitted to the Board of Zoning Appeals for approval of:
  - A. Any conditionally permitted use within any District in this Resolution.
  - B. All applications for variances.
2. A site plan shall be submitted to the Township Zoning Commission for approval of:



- A. Any use or development for which the submission of a development plan is required by any provision of this Resolution.
- 3. Every site plan submitted to the Board of Zoning Appeals or Township Zoning Commission shall contain such information and be submitted in such form as the Board of Zoning Appeals or Township Zoning Commission may prescribe in its rules. Supporting evidence in the form of a map, chart, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the site plan.
- 4. Approval of the site plan by the Board of Zoning Appeals or Township Zoning Commission shall constitute approval of the development. The breach of any requirement by the applicant shall constitute a violation of this Resolution. Such violations shall be declared as a penalty as prescribed in Article XIII of this Resolution, Any misrepresentation of any material fact, figure or other supporting evidence shall automatically invalidate the zoning certificate granted.

#### SECTION 600.17     PUBLIC AND PRIVATE ACCESS REQUIREMENTS

Every dwelling shall be located on a lot having access to a public or private street. Public Streets shall be designed in accordance with the minimum improvement standards of the City of Mansfield and/or Richland County Subdivision Regulations. All multiple family developments designed to be serviced by private drives and streets shall be approved and shall further meet the minimum improvement standards established for private streets by the Engineering Department of the City of Mansfield and/or Richland County (where applicable). The minimum frontage of such lots abutting a public or private street shall be seventy-five (75) feet which shall extend the entire depth of the lot.

#### SECTION 600.18     SMALL SOLAR FACILITIES

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

##### 1.     Definitions

- 1. “Ground Mounted Solar Energy Systems” means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 2. “Integrated Solar Energy Systems” means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials,

awnings, canopies, skylights, or windows.

3. “Rooftop Solar Energy Systems” means a solar energy system that is mounted to a structure or building’s roof on racks.
4. “Small Solar Facility” means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
5. “Solar Energy” means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
6. “Solar Energy System” means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

## 2. Permitted Uses

1. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in the following zoning districts: All districts except Manufactured/Mobile Home District.
2. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be permitted use in the following zoning districts: All districts except Manufactured/Mobile Home District.
3. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: All districts except Manufactured/Mobile Home District.

## 3. General Requirements

1. Integrated Solar Energy Solar Systems:
  - a) Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where

located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

- b) Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 70% of a structure's walls and/or roof, as applicable.

2. Ground Mounted Solar Energy Systems:

- a) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
- b) Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 15% of the total area of the lot or tract.

Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering and screening) for lots in the zoning district where located.

- c) Any small Solar Facility other than an Integrated or Rooftop Solar Energy System shall be located entirely in the rear yard or other approved site.
- d) Shall meet the isolation distance of underground utilities such as septic systems (in service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar energy system owner upon receiving appropriate approvals.
- e) Components: All exterior electrical lines must be located entirely

underground and placed in conduit.

3. Lighting: Any lighting for a Small Solar Facility shall narrowly focus light inward toward the solar equipment, be downlight and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
4. Noise: No Small Solar Facility shall emit sound to an adjacent lot.
5. Setbacks: Any Small Solar Facility must comply with the setback requirements for accessory buildings applicable to the zoning district where located.
6. Maintenance/Removal: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Compliance with zoning regulations shall be the responsibility of the property owner, including, but not limited to, equipment installation, maintenance, abandonment, dismantling and removal.
7. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
8. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

9. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
10. Electric Usage: Electric Usage shall be determined by the size of the panels that are installed for residential and farm use.
11. Panels: All panels must be mounted at a maximum of 300 feet from electric meters.

#### 4. Certificate of Zoning Compliance

1. A certificate of zoning compliance shall be required before any construction, reconstruction, alteration, or enlargement is commenced on a Small Solar Facility.
2. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance.
  - a) An engineering report that shows:
    - i. The total size and height of the proposed Small Solar Facility.
    - ii. Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
    - iii. Hazardous materials containment and disposal plan.
  - b) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
  - c) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
  - d) A maintenance schedule as well as dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.

- e) Any other information or materials reasonably requested by the Zoning Inspector.

## ARTICLE VII

### GENERAL EXCEPTIONS

#### SECTION 700      EXEMPT FROM REGULATIONS

The provisions of this Zoning Resolution shall apply to all land, every structure and every use of land or structure except agriculture, and certain public utilities and railroads, as specifically exempt by law in accordance with the provisions of this Article.

#### SECTION 700.1      AGRICULTURE

Agriculture including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry shall be permitted in any district. The use of any land for agricultural purposes or the construction or use of any building or structure incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be permitted and no zoning certificate shall be required for any such building or structure except:

- A. In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code or in any area consisting of fifteen (15) or more lots under ORC 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:
  - (1) For purpose of this resolution no agricultural use shall be permitted on any tract of land of one acre or less.
  - (2) No animals, except household pets, shall be kept on any parcel greater than one (1) acre and less than five (5) acres unless the building housing said animals is at least 50 feet from any lot line.
- B. For any farm market located in any agricultural, residential or commercial zoned district wherein less than fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year then in such case the farm market shall comply with those zoning requirements applicable to the district in which it is located in accordance with ORC 519.21(C).

#### SECTION 700.2      PUBLIC UTILITIES

The regulations shall not apply to public utilities or railroads except where express

authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

1. The regulation shall apply where authority is granted by the Ohio Revised Code for Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by ORC 519.211 and is proposed to be located in area of the Township zoned for residential use. When a telecommunications tower is proposed to be located in any area zoned for residential use it shall be and is as a conditional use. Telecommunication towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions has been met:
  - A. For purpose of regulating such telecommunication towers in areas of the Township zoned for residential use, a telecommunication towers shall be considered to exist if the free standing structure including antenna exceed fifty-two (52) feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than 12 feet.
  - B. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
  - C. No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration color except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.
  - D. The site shall be a minimum of 500 feet from the nearest parcel of land used for residential purposes except: (1) where a communications tower already exist on the same parcel that was constructed prior to January 1, 1998, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.
  - E. The minimum set back line between the base of the tower and all adjacent properties shall be the height of the tower.
  - F. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further no advertising shall be permitted on the tower.



- G. Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in paragraph (d) above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.
  - H. Each tower shall be designed to accommodate the addition and co-location of a minimum of two additional telecommunication systems.
  - I. If the tower is abandoned, it shall be removed within ninety days of its last date of operation or thereafter be removed by the township and the cost of removal billed to the property owner.
2. In the event an existing tower is to be reconstructed, changed, altered or enlarged, then it shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section and the provision of Section 900.5(5). In no event shall any change or alteration be permitted that would substantially increase the tower's height.

#### SECTION 700.3      RAILROAD RIGHTS-OF-WAY

For the purposes of this Resolution, railroad rights-of-way and other railroad facilities shall be permitted as authorized and regulated by State and Federal Laws, it being the intent of this subsection to exempt railroads from the application of this Resolution.

#### SECTION 700.4      DWELLING QUARTERS, NON-RESIDENTIAL DISTRICTS

Within any B-Business or I-Industrial District sleeping quarters of a watchman or caretaker may be permitted, providing such quarters are made a part and are attached as part of the main building or structure.

#### SECTION 700.5      PERMITTED HEIGHT EXCEPTIONS

The height limitation contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Such exceptions shall not be erected at a height greater than twelve (12) feet above the height limit established for the district in which the structure is located.

#### SECTION 700.6      VOTING PLACE

The provisions of this Resolution shall not be so construed as to interfere with the

temporary use of any property as a voting place in connection with public election.

SECTION 700.7      ACCESS WAYS

For the purpose of this Resolution, any walk, terrace or other pavement surfacing providing access to rear yards and/or accessory structures, and not in excess of ten (10) inches above the finished grade, shall not be considered to be a structure, and shall be permitted in any required yard.

SECTION 700.8      PROJECTIONS INTO YARDS

Open, unenclosed, and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front yard setback, but this shall not be interpreted to include or permit fixed canopies.

SECTION 700.9      LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley, for the purposes of applying lot area requirements of this Resolution, one-half ( $\frac{1}{2}$ ) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 700.10     CONSTRUCTION

Nothing in this Resolution shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Resolution and upon which actual construction has been diligently carried on and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

SECTION 700.11     YARD REGULATIONS

When yard regulations cannot reasonably be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

SECTION 700.12     FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

In an R-Residential District where the average depth of at least two (2) existing front yards on lots located within one hundred (100) feet of the lot in question and within the same block are less than the minimum front yard setback prescribed for the district in which such lots are located, the Board of Zoning Appeals may modify the required minimum front yard depth of such lot no more than ten (10) feet.

## SECTION 700.13 WIND TURBINE/ELECTRICAL GENERATION TOWERS

These regulations shall not apply to public utilities except where permitted by law.

1. When a wind turbine tower for the purposes of generating electrical power is proposed to be located, it shall be a conditionally permitted use. Wind Turbine towers shall be conditionally permitted provided the Board of Zoning Appeals determines that each of the following conditions has been met:
  - a. For the purpose of regulating such wind turbine towers in areas of the Township, such towers shall have a minimum height of thirty-five (35) feet above the ground surface for purposes of safety of turning turbines blades
  - b. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
  - c. No tower shall be constructed with lights or be painted in red/white or other bright colors except when specifically required by a federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.
  - d. The site shall be minimum of five hundred (500) feet from the nearest parcel of land used for residential purposes.
  - e. The minimum setback line between the base of the tower to any adjacent residential, business or industrial structure shall be the height of the tower.
  - f. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower to its surrounding environment and aesthetically soften its intrusion into a residential area. Further, no advertising shall be permitted on the tower.
  - g. The primary use of the tower shall be for the generation of electrical power for the use of residential, business or industrial structure located on the same property as the tower.
  - h. The height of the tower without turbine blades shall not exceed one hundred twenty (120) feet.
  - i. If the tower is abandoned, it shall be removed within ninety, (90) days of its last day of operation or thereafter be removed by the Township and the cost of removal billed to the property owner.

2. In the event an existing tower is to be reconstructed, changed, altered or enlarged, then it may be permitted by the Board of Zoning Appeals subject to the conditions of this Section and the provisions of Section 900.5(5). In no event shall any change or alteration be permitted that would substantially increase the tower's height.
3. Such towers may be conditionally permitted in all residential, business, or industrial districts.

## ARTICLE VIII

### TOWNSHIP ZONING COMMISSION

#### SECTION 800      AUTHORITY, COMPOSITION AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) residents of the Unincorporated area of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

The Township Trustees may appoint two alternate members to be appointed for three (3) year terms. Alternate members shall take the place of an absent regular member at any meeting of the Township Zoning Commission. The selection of alternate members shall rotate on their respective availability to attend any called meeting. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. An alternate member shall meet the same appointment criteria as a regular member.

#### SECTION 800.1      ORGANIZATION

The Zoning Commission shall elect a chairman, vice chairman, and secretary from its membership, and shall prescribe rules for the conduct of its affairs.

#### SECTION 800.2      QUORUM

The Zoning Commission shall require a quorum of three (3) of its members at all of its meetings, and a concurring vote of three members shall be necessary to effect an order.

#### SECTION 800.3      MEETINGS

The Zoning Commission shall meet quarterly or at the call of its Chairman or the Vice Chairman acting in the capacity of the chairman, or by the call of two other members of the Zoning Commission.

#### SECTION 800.4      POWERS AND DUTIES

1. The Zoning Commission shall act on all rezone requests to the Official Township Zoning Map submitted to said Zoning Commission by the Township Clerk in conformance with Article X of this Resolution. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.
2. The Zoning Commission shall act upon all amendments requested to the Washington Township Resolution submitted to the Zoning Commission by the Township Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.
3. The Zoning Commission shall review and approve a site plan as specifically provided for elsewhere in this Resolution.
4. The Zoning Commission shall review from time to time any provision or provisions of this Resolution and shall recommend such changes as it deems necessary in order to promote the intent of this Resolution to the Township Trustees following the procedures set forth in Article X of this Resolution.

#### SECTION 800.5      ADMINISTRATION AND ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or his assistants.

#### SECTION 800.6      DUTIES OF THE ZONING INSPECTOR

A Zoning Inspector shall be employed for the purpose of granting zoning permits and to make inspections of premises or buildings necessary in carrying out his duties in compliance with the provisions of this Resolution. It shall be unlawful for the Zoning Inspector to issue permits or approve any plans until he has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall also be responsible for submitting to the Zoning Board of Appeals all applications and appeals. The Zoning Inspector shall not refuse to issue a zoning permit when the provisions or conditions of this Resolution are complied with by the applicant. The Zoning Inspector shall post a bond of not less than \$1,000 nor more than \$5,000 as fixed by the Township Trustees in accordance with the provisions of Section 519.161 Revised Code of Ohio.

#### SECTION 800.7      APPLICATION PROCEDURE--ZONING PERMIT

1. Before constructing, changing the use of, or altering any building, including

accessory buildings, (but not including buildings used for agricultural purposes), or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning permit. The application shall include the following information:

- A. A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.
  - B. The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property.
  - C. The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.
  - D. Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly except for Sexually Oriented Businesses.
2. Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and the application is accompanied by a proper fee as indicated in Article XIV of this Resolution. If such permit is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.
  3. Each application shall clearly state that unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one half (2½) years, the zoning permit shall be void.
  4. Agricultural building shall be issued a permit upon application and there will be No Charge.
  5. Governmental Building will be issued a permit in accordance with Zoning Regulations. There will be no charge for the zoning permit.

## **ARTICLE IX**

### **BOARD OF ZONING APPEALS**

#### **SECTION 900      AUTHORITY, COMPOSITION, AND APPOINTMENT**

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Trustees. The Board shall include five (5) residents of the unincorporated area of the Township with records of civic, business, or professional leadership, and who shall not be members of the Zoning Commission. Each member shall be appointed for a period of five years, except that one of the initial members shall be appointed for one (1) year, and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

The Township Trustees may appoint two alternate members to be appointed for three (3) year terms. Alternate members shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals. The selection of alternate members shall rotate on their respective availability to attend any called meeting. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. An alternate member shall meet the same appointment criteria as a regular member.

#### **SECTION 900.1      ORGANIZATION**

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

#### **SECTION 900.2      QUORUM**

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.

#### **SECTION 900.3      MEETINGS**

The Board of Zoning Appeals shall meet at the call of its chairman or two other members, and at such other regular times as it may, by Resolution, determine.



#### SECTION 900.4      WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

#### SECTION 900.5      POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
2. To grant use or area variances in the use of land permitted in a particular district where the proposed use is similar in character to the uses already permitted in the district and the proposed use will be consistent with the overall character of the district as stated in the Resolution.
  - A. The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:
    - (1) There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances were not created by the applicant.
    - (2) The granting of a variance application is necessary for the preservation and enjoyment of substantial property rights.
    - (3) The granting of the application will not materially affect, adversely, the health or safety of persons residing or working in the neighborhood of the proposed use and will not materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.
  - B. The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighted by the Board are:
    - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

- (2) Whether the variance is substantial.
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction.
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- (7) Whether the spirit and intent behind the zoning requirement would be required to be observed and substantial justice done by granting the variance.

In granting any variance under the provision of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in the opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

3. To grant conditional zoning permits for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.
4. The Board of Zoning Appeals shall not have the power to permit a use not normally permitted in a given zoning district except as otherwise permitted herein.
5. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:
  - A. Will be harmonious with and in accordance with the general objectives or with any specific objective of this Resolution;
  - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

#### SECTION 900.6      PROCEDURES

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of one or another of the following headings: Interpretation; Exceptions; Variances, together with all documents pertaining thereto. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony. The applicant shall bear all direct and related costs.

#### SECTION 900.7      APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal in accordance with the procedures in Section 900.6. The officer from whom the appeal is taken shall transmit to the Board of Appeals all the papers constituting the record upon which the appeal is being taken.

#### SECTION 900.8      NOTICE OF HEARINGS

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days' notice in writing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing, and

decide the appeal within a reasonable time after it is submitted.

## **ARTICLE X**

### **AMENDMENTS**

The Township Zoning Commission having been created pursuant to Section 512.04 of the Ohio Revised Code shall meet quarterly and may initiate amendments to the Zoning Resolution from time to time. In addition, to amendments initiated by the Township Zoning Commission, amendments may also be initiated by the passage of a resolution thereof by the Board of Township Trustees, or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The procedure provided in Section 519.12 of the Ohio Revised Code shall be followed in all zoning amendment/referendum matters.

## **ARTICLE XI**

### **REPEALER**

The Zoning Resolution previously adopted by Washington Township, and all amendments, are hereby repealed. The repeal of the above Resolution and its amendments does not affect or impair any act done, offense committed or right accruing, liability or penalty incurred prior to the enactment of this Resolution.

## **ARTICLE XII**

### **INTERPRETATION**

In the interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision, law or Resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law and regulations governing the use of buildings or premises; provided, however, that where this Resolution imposes greater restriction than is required by existing resolution or by rules, regulations or permits; the provisions of this Resolution shall control.

## **ARTICLE XIII**

### **VIOLATIONS AND PENALTIES**

#### **SECTION 1300      PUBLIC NUISANCE**

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution, which are observed by any Township Official, shall be reported to the Zoning Inspector.

#### **SECTION 1300.1      INSPECTION**

The Zoning Inspector shall inspect each alleged violation and shall in writing, order correction of all conditions which are found to be in violation of this Resolution.

#### **SECTION 1300.2      CORRECTION PERIOD**

All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be reported to the Township Trustees who shall initiate prosecution, injunction or other appropriate proceedings.

#### **SECTION 1300.3      PENALTIES**

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction be assessed the fine of not more than one hundred (100) dollars. Each day such violation or failure to comply shall exist, it shall constitute a separate offense.



## **ARTICLE XIV**

### **FEES**

The Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Township Trustees. Until all applicable fees, charge and expenses have been paid in full, no action shall be taken on any application or appeal.

When the Township Zoning Commission or the Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

All fees shall be paid to the Township Clerk at the time the application or other permit is requested.

## **ARTICLE XV**

### **VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent of this Resolution that if any provisions of this Resolution, or the application thereof to any zoned lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person, firm, corporation or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning, lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XVI

EFFECTIVE DATE

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

Adopted by the Washington Township (Richland County) Trustees

Sept 11, 1997  
Date

Albert D. O'Neil  
Albert D. O'Neil

Tim Wert  
Tim Wert

A. Dean Wells  
A. Dean Wells

Attest by Township Clerk:

William Powell  
William Powell, Clerk

# **APPENDIX OF TOWNSHIP FORMS**

APPLICATION FOR ZONING CERTIFICATE

ZONING PLOT SKETCH SHEET

CONDITION PERMIT APPLICATION

APPLICATION FOR AMENDMENT - COMMERCIAL

APPLICATION FOR AMENDMENT - RESIDENTIAL

APPLICATION FOR VARIANCE

APPLICATION FOR TEMPORARY VISITORS PERMIT

NEW CONSTRUCTION CHECKLIST

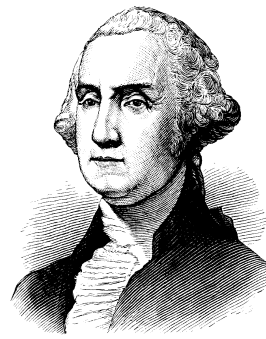
SOLAR ZONING CERTIFICATE

ZONING FEE SCHEDULE

# WASHINGTON TOWNSHIP TRUSTEES

Office of Chief Zoning Inspector  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256 - fax 419.756.7398  
email [zoning@washingtontwprc.org](mailto:zoning@washingtontwprc.org)



## CHECK LIST FOR NEW CONSTRUCTION

HOUSE NUMBERING	Washington Township Zoning Inspector Office Hours Monday's 3:00 pm to 5:00 pm Post Address Numbers by road 3 inches high
LAND SPLITS	Approved by Washington Twp. Zoning Inspector – During business hours Must conform to: Washington Township Regulations Richland County Public Health ( <u><a href="#">SEE LOT SPLIT HANDOUT</a></u> ) 419.756.4520 v 419.756.0845 fax Richland County Regional Planning Commission 419.774.5684 v 419.774.5685 fax Richland County Regulations-Tax Map Office 419.747.5620 v 419.747.5378 fax
ROAD CULVERT	County Roads – Richland County Engineer Office 419.774.5591 v 419.774.5539 fax Township Roads – Township Road Department 419.756.2574 v 419.756.7398 fax <a href="mailto:washtwproad2480@gmail.com">washtwproad2480@gmail.com</a>
SEPTIC / SEWER	Richland County Public Health 555 Lexington Avenue, Mansfield, Ohio 44907 419.774.4525 v 419.774.4557 fax <a href="mailto:envhealth@richlandhealth.org">envhealth@richlandhealth.org</a>
ZONING CERTIFICATE	Washington Township Zoning Inspector Office Hours Monday's 3:00pm to 5:00pm 419.756.7256 v 419.756.7398 fax Email <a href="mailto:zoning@washingtontwprc.org">zoning@washingtontwprc.org</a>
STORM WATER MGT	Richland County Storm Water Management 1495 West Longview Avenue, Mansfield, Ohio 44906 419.747.8686 v 419.747.8689 fax <a href="mailto:swcd@richlandswcd.net">swcd@richlandswcd.net</a> <a href="mailto:rswcd.data@richlandswcd.net">rswcd.data@richlandswcd.net</a> <a href="https://richlandswcd.net/services/water/stormwater/stormwater-documents-list">https://richlandswcd.net/services/water/stormwater/stormwater-documents-list</a>
BUILDING PERMITS	Richland County Codes & Permits 1495 West Longview Avenue, Mansfield, Ohio 44906 419.774.5517 v 419.774.6317 fax <a href="mailto:permits@richlandcountyoh.us">permits@richlandcountyoh.us</a>
PLUMBING PERMITS	Richland County Public Health 555 Lexington Avenue, Mansfield, Ohio 44907 419.774.4525 v 419.774.4557 fax <a href="mailto:envhealth@richlandhealth.org">envhealth@richlandhealth.org</a>
WELL PERMITS	Richland County Public Health 555 Lexington Avenue, Mansfield, Ohio 44907 419.774.4525 v 419.774.4557 fax <a href="mailto:envhealth@richlandhealth.org">envhealth@richlandhealth.org</a>

**CALL BEFORE YOU DIG 811**

**CALL BEFORE YOU BURN**

Washington Township Fire Department  
419.756.8330 v 419.756.0522 fax  
[fire@washingtontwprc.org](mailto:fire@washingtontwprc.org)

**WASHINGTON TOWNSHIP-RICHLAND COUNTY-OHIO**  
**APPLICATION FOR ZONING CERTIFICATE**

DATE OF APPLICATION \_\_\_\_\_ APPLICATION NUMBER \_\_\_\_\_  
APPLICANTS NAME \_\_\_\_\_ CERTIFICATE EXPIRES: \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PERMIT FEE \$ \_\_\_\_\_ CASH \_\_\_\_\_ CHECK \_\_\_\_\_ RECEIPT # \_\_\_\_\_

The undersigned hereby applies for a Zoning Certificate for the following use, to be issued on the basis of the representations contained herein, all of which applicant swears to be true.

1. LOCATION: \_\_\_\_\_  
PLATTED: \_\_\_\_\_ DATE PLATTED: \_\_\_\_\_ DATE PURCHASED: \_\_\_\_\_
2. NAME OF LANDOWNER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
CITY/STATE: \_\_\_\_\_ PHONE NUMBER (\_\_\_\_) \_\_\_\_\_  
OCCUPANT OR USER: \_\_\_\_\_
3. PROPOSED USE: RESIDENCE: \_\_\_\_\_ NUMBER OF FAMILIES: \_\_\_\_\_ NUMBER OF STORIES: \_\_\_\_\_  
GARAGE: \_\_\_\_\_ DECK: \_\_\_\_\_ SWIMMING POOL: \_\_\_\_\_ PORCH: \_\_\_\_\_  
ACCESSORY BUILDING: \_\_\_\_\_ PURPOSE: \_\_\_\_\_  
REMODELING: \_\_\_\_\_ TYPE: \_\_\_\_\_  
BUSINESS: \_\_\_\_\_ TYPE: \_\_\_\_\_  
MANUFACTURING: \_\_\_\_\_ TYPE: \_\_\_\_\_  
TEMPORARY VISITOR: \_\_\_\_\_ TEMPORARY RESIDENCE: \_\_\_\_\_  
OUTDOOR ADVERTISING: \_\_\_\_\_ MOVING PARTS: \_\_\_\_\_  
SIGN: \_\_\_\_\_ TYPE: \_\_\_\_\_ STATE PERMIT: \_\_\_\_\_  
AGRICULTURAL BUILDING: \_\_\_\_\_ OTHER: \_\_\_\_\_
4. FRONTAGE: \_\_\_\_\_ DEPTH OF R/W: \_\_\_\_\_ SET BACK: \_\_\_\_\_ LAND AREA: \_\_\_\_\_  
CLEARANCES: LEFT \_\_\_\_\_ RIGHT \_\_\_\_\_ FRONT \_\_\_\_\_ REAR \_\_\_\_\_  
STRUCTURE DIMENSIONS: \_\_\_\_\_ X \_\_\_\_\_ GROSS FLOOR AREA: \_\_\_\_\_  
BASEMENT: \_\_\_\_\_ FULL: \_\_\_\_\_ PARTIAL: \_\_\_\_\_  
NUMBER OF DWELLING UNITS, SQ. FT. 1ST FL, SEATING AREA: \_\_\_\_\_
5. SEWAGE SYSTEM: PUBLIC: \_\_\_\_\_ COMMUNITY: \_\_\_\_\_ PRIVATE: \_\_\_\_\_
6. WATER SUPPLY: PUBLIC: \_\_\_\_\_ COMMUNITY: \_\_\_\_\_ PRIVATE: \_\_\_\_\_
7. RICHLAND COUNTY HEALTH DEPARTMENT PERMIT NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_
8. EXPLOSIVE MATERIALS: \_\_\_\_\_ TYPE: \_\_\_\_\_
9. HAZARDUS MATERIALS: \_\_\_\_\_ TYPE: \_\_\_\_\_
10. ESTIMATE COST: \$ \_\_\_\_\_ REMARKS: \_\_\_\_\_
11. CONTRACTOR: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_
12. ZONING OF AREA: R- \_\_\_\_\_ B- \_\_\_\_\_ I- \_\_\_\_\_ CLASS OF INTENDED USE: R- \_\_\_\_\_ B- \_\_\_\_\_ I- \_\_\_\_\_

Richland County

State of Ohio ) ss.

\_\_\_\_\_  
Applicant Signature

Sworn to before me by \_\_\_\_\_ and subscribed in my presence this

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

OFFICE USE ONLY  
APPROVED

DISAPPROVED

ZONING INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**WASHINGTON TOWNSHIP-RICHLAND COUNTY-OHIO**  
**PAGE 2 - PLOT PLAN SKETCHES**

---

APPLICATION NUMBER \_\_\_\_\_

LOCATION: \_\_\_\_\_

LAND OWNER ADDRESS: \_\_\_\_\_

---

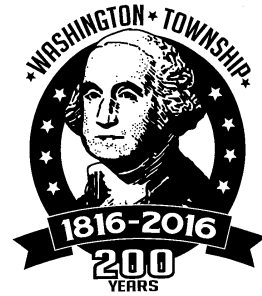
PLOT PLAN SKETCH

INDICATE NORTH AND DISTANCE TO ALL PROPERTY LINES

# WASHINGTON TOWNSHIP TRUSTEES

Zoning Board of Appeals  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256 - fax 419.756.7398  
email zoning@washingtontwprc.org



## APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION CP# \_\_\_\_\_

The undersigned requests a conditional use permit for the specified below. Should this application be approved it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Board of Appeals. If this use is discontinued for a period of more than six (6) months this permit shall automatically expire.

NAME OF APPLICANT (Property Owner) \_\_\_\_\_

FULL ADDRESS \_\_\_\_\_

PHONE NUMBERS \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

E MAIL \_\_\_\_\_

LOCATION OF LAND FOR WHICH VARIANCE IS SOUGHT:

PERMANATE PARCEL NUMBER \_\_\_\_\_

SUB-DIVISION \_\_\_\_\_

SECTION # \_\_\_\_\_ RANGE \_\_\_\_\_ BLOCK \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

NATURE OF CONDITIONAL USE REQUESTED \_\_\_\_\_

SECTION OF RESOLUTION INVOLVED \_\_\_\_\_

GROUND UPON WHICH CONDITIONAL USE SHOULD BE GRANTED (ATTACH  
SEPARATE SHEET WITH INFORMATION)

**REQUIRED INFORMATION TO BE SUBMITTED WITH THIS APPLICATION:**

1. PLAT MAP OF THE LAND INVOLVED WITH ALL PROPERTY LINES AND RIGHT-A-WAYS.
2. ALL STRUCTURES AND PARKING AREAS WITH DIMENSIONS LISTED ON PLAT MAP.
3. STATEMENT AS TO NOISE, GLARE, ETC ON ADJOINING PROPERTY OWNERS.
4. A LIST OF ALL PROPERTY OWNERS AND ADDRESSES WITHIN 200 FEET OF ALL PROPERTY LINES.
5. PHOTOS OF PROPERTY.
6. CHECK IN THE AMOUNT OF \$700.00 TO COVER ALL THE VARIANCE COSTS.

State of Ohio }  
County of Richland } ss

X \_\_\_\_\_

Sworn to or affirmed and subscribed before me by \_\_\_\_\_  
this day \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_.

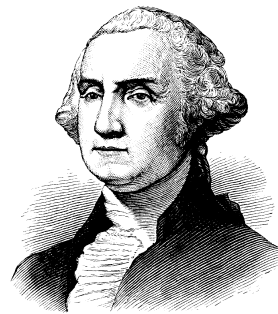
\_\_\_\_\_  
Notary Public



# WASHINGTON TOWNSHIP TRUSTEES

Office of Chief Zoning Inspector  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256  
email: zoning@washingtontwprc.org



## APPLICATION FOR AMENDMENT

### WASHINGTON TOWNSHIP RESOLUTION

APPLICATION # \_\_\_\_\_

NAME OF APPLICANT (Property Owner) \_\_\_\_\_

FULL ADDRESS \_\_\_\_\_

PHONE NUMBERS \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

E MAIL \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

PROPOSED ZONING DISTRICT \_\_\_\_\_

PERMATE PARCEL # \_\_\_\_\_

#### REQUIRED INFORMATION TO BE SUBMITTED WITH THIS APPLICATION:

1. PLAT MAP OF THE LAND INVOLVED WITH ALL PROPERTY LINES AND RIGHT-OF-WAYS.
2. ALL STRUCTURES WITH DIMENSIONS LISTED ON PLAT MAP.
3. A LIST OF ALL PROPERTY OWNERS AND ADDRESSES WITHIN 200' OF ALL PROPERTY LINES.
4. CHECK IN THE AMOUNT OF \$3000.00 TO COVER ALL COSTS. Any costs incurred over this amount to be paid by applicant.

I hereby certify that all of the information contained herein is true and correct to the best of my knowledge and ability.

State of Ohio }

County of Richland } ss

**X** \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

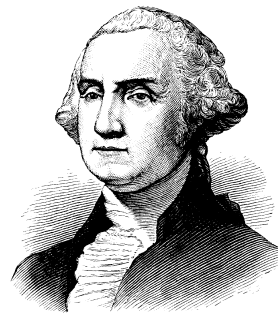
\_\_\_\_\_  
Notary Public

(SEAL)

# WASHINGTON TOWNSHIP TRUSTEES

Office of Chief Zoning Inspector  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256  
email: zoning@washingtontwprc.org



## APPLICATION FOR AMENDMENT

### WASHINGTON TOWNSHIP RESOLUTION

APPLICATION # \_\_\_\_\_

NAME OF APPLICANT (Property Owner) \_\_\_\_\_

FULL ADDRESS \_\_\_\_\_

PHONE NUMBERS \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

E MAIL \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

PROPOSED ZONING DISTRICT \_\_\_\_\_

PERMATE PARCEL # \_\_\_\_\_

#### REQUIRED INFORMATION TO BE SUBMITTED WITH THIS APPLICATION:

1. PLAT MAP OF THE LAND INVOLVED WITH ALL PROPERTY LINES AND RIGHT-OF-WAYS.
2. ALL STRUCTURES WITH DIMENSIONS LISTED ON PLAT MAP.
3. A LIST OF ALL PROPERTY OWNERS AND ADDRESSES WITHIN 200' OF ALL PROPERTY LINES.
4. CHECK IN THE AMOUNT OF \$700.00 TO COVER ALL COSTS. Any costs incurred over this amount to be paid by applicant.

I hereby certify that all of the information contained herein is true and correct to the best of my knowledge and ability.

State of Ohio }

County of Richland } ss

**X** \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

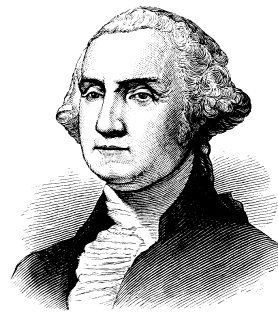
\_\_\_\_\_  
Notary Public

(SEAL)

# WASHINGTON TOWNSHIP TRUSTEES

Office of Chief Zoning Inspector  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256  
email: [zoning@washingtontwprc.org](mailto:zoning@washingtontwprc.org)



## APPLICATION FOR VARIANCE

APPLICATION # \_\_\_\_\_

This application when properly approved constitutes a Variance Permit in accordance with Zoning Resolutions of Washington Township.

NAME OF APPLICANT (Property Owner) \_\_\_\_\_

FULL ADDRESS \_\_\_\_\_

PHONE NUMBERS \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

E MAIL \_\_\_\_\_

LOCATION OF LAND FOR WHICH VARIANCE IS SOUGHT:

PERMANATE PARCEL NUMBER \_\_\_\_\_

SUB-DIVISION \_\_\_\_\_

SECTION # \_\_\_\_\_ RANGE \_\_\_\_\_ BLOCK \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

NATURE OF VARIANCE REQUESTED \_\_\_\_\_

SECTION OF RESOLUTION INVOLVED \_\_\_\_\_

GROUND UPON WHICH VARIANCE SHOULD BE GRANTED (ATTACH SEPARATE SHEET WITH INFORMATION)

---

**REQUIRED INFORMATION TO BE SUBMITTED WITH THIS APPLICATION:**

1. PLAT MAP OF THE LAND INVOLVED WITH ALL PROPERTY LINES AND RIGHT-A-WAYS.
  2. ALL STRUCTURES WITH DIMENSIONS LISTED ON PLAT MAP.
  3. ALL ADDITIONAL STRUCTURAL CHANGES LISTED ON PLAT MAP.
  4. A LIST OF ALL PROPERTY OWNERS AND ADDRESSES WITHIN 200 FEET OF ALL PROPERTY LINES.
  5. PHOTOS OF PROPERTY.
  6. CHECK IN THE AMOUNT OF \$700.00 TO COVER ALL THE VARIANCE COSTS.
- 

State of Ohio }  
County of Richland } ss

X \_\_\_\_\_

Sworn to or affirmed and subscribed before me by \_\_\_\_\_ this day \_\_\_\_\_  
of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

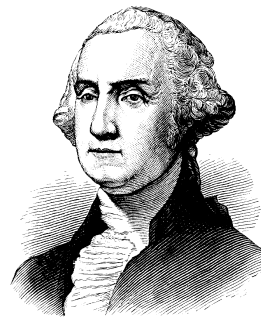
Seal

# WASHINGTON TOWNSHIP TRUSTEES

Office of Chief Zoning Inspector  
222 Vanderbilt Road  
Richland County  
Mansfield, Ohio 44904

voice 419.756.7256

email: [zoning@washingtontwprc.org](mailto:zoning@washingtontwprc.org)



## APPLICATION FOR TEMPORARY VISITORS PERMIT

APPLICATION # \_\_\_\_\_

NAME OF PROPERTY OWNER \_\_\_\_\_

PROPERTY OWNERS  
ADDRESS \_\_\_\_\_

PHONE NUMBERS \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

E MAIL \_\_\_\_\_

LOCATION OF PROPERTY FOR PERMIT SOUGHT:

PROPERTY LOCATION \_\_\_\_\_

PERMANATE PARCEL NUMBER \_\_\_\_\_

SUB-DIVISION \_\_\_\_\_

SECTION # \_\_\_\_\_ RANGE \_\_\_\_\_ BLOCK \_\_\_\_\_

EXISTING ZONING DISTRICT \_\_\_\_\_

_____	SECTION 600.5	1. Construction Work
_____	SECTION 600.5	2. Temporarily Residence
_____	SECTION 600.5	3. Temporary Visitor (30 days MAX)

State of Ohio }

County of Richland } ss

**X** \_\_\_\_\_

Sworn to or affirmed and subscribed before me by \_\_\_\_\_  
this day \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Seal

APPROVED    DISAPPROVED    Zoning Inspector \_\_\_\_\_

EXPIRES ON: \_\_\_\_\_

PERMIT FEE \$ \_\_\_\_\_ RECEIPT NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

WASHINGTON TOWNSHIP – RICHLAND COUNTY – OHIO  
APPLICATION FOR SOLAR ZONING CERTIFICATE AND NOTICE OF ZONING  
REQUIREMENTS

---

DATE OF APPLICATION\_\_\_\_\_APPLICATION NUMBER\_\_\_\_\_  
APPLICANTS NAME\_\_\_\_\_CERTIFICATE EXPIRES\_\_\_\_\_  
ADDRESS\_\_\_\_\_CITY\_\_\_\_\_STATE\_\_\_\_\_ZIP\_\_\_\_\_  
PERMIT FEE\$\_\_\_\_\_CASH\_\_\_\_\_CHECK\_\_\_\_\_RECEIPT #\_\_\_\_\_

---

The undersigned hereby applies for a Solar Zoning Certificate for the following use, to be issued based on the representations contained herein, all of which applicant swears to be true.

- 1. IF INTEGRATED OR ROOF MOUNT, LIST AREA TO BE COVERED IN SQ.FT.\_\_\_\_\_  
LOCATION\_\_\_\_\_
- 2. NAME OF LANDOWNER\_\_\_\_\_ADDRESS\_\_\_\_\_  
CITY/STATE\_\_\_\_\_PHONE\_\_\_\_\_
- 3. SOLAR PANEL TYPE:  
GROUND MOUNT\_\_\_\_\_ROOF MOUNT\_\_\_\_\_INTEGRATED\_\_\_\_\_
- 4. FRONTAGE:\_\_\_\_\_DEPTH OF R/W:\_\_\_\_\_SET BACK:\_\_\_\_\_LAND AREA:\_\_\_\_\_  
CLEARANCES:  
LEFT\_\_\_\_\_RIGHT:\_\_\_\_\_FRONT:\_\_\_\_\_REAR:\_\_\_\_\_  
IF GROUND MOUNT, DIMENSIONS OF COVERED AREA:\_\_\_\_\_X\_\_\_\_\_
- 5. MAINTENANCE AND REMOVAL: ALL MAINTENANCE AND REMOVAL WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY SYSTEM THAT IS NON-WORKING FOR 30 DAYS IS CONSIDERED ABANDONED AND NEEDS TO BE REMOVED WITHIN 3 MONTHS AT THE PROPERTY OWNERS EXPENSE. ALL POLES OR STRUCTURES REMOVED AND LAND MUST BE RETURNED TO ITS ORIGINAL CONDITION BEFORE PANELS WERE INSTALLED. IF LANDSCAPE WAS REMOVED IT IS NOT NECESSARY TO REPLACE.
- 6. ESTIMATED COST; \$\_\_\_\_\_REMARKS\_\_\_\_\_
- 7. CONTRACTOR:\_\_\_\_\_ADDRESS\_\_\_\_\_  
PHONE\_\_\_\_\_
- 8. ZONING OF AREA: R-\_\_\_\_B-\_\_\_\_I-\_\_\_\_CLASS OF INTENDED USE: R-\_\_\_\_B-\_\_\_\_I-\_\_\_\_  
\_\_\_\_\_
- 9. TO THE APPLICANT: NOTICE OF PUBLIC RECORDING OF APPROVAL  
IF THIS APPLICATION IS APPROVED, THEN IT SHALL BE RECORDED BY THE TOWNSHIP WITH THE RICHLAND COUNTY, OHIO RECORDER AS TO YOUR DUTY AND THAT OF ALL FUTURE OWNERS OF THE NECESSITY TO COMPLY WITH WASHINGTON TOWNSHIP SOLAR ZONING.

APPLICATION NUMBER

RICHLAND COUNTY  
STATE OF OHIO ) SS.

\_\_\_\_\_

APPLICANT

SIGNATURE

Sworn to or affirmed and subscribed before me by \_\_\_\_\_

This day \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_

NOTARY PUBLIC

(SEAL)

\_\_\_\_\_

OFFICE USE ONLY

APPROVED      DISAPPROVED  
INSPECTOR \_\_\_\_\_

ZONING

ALSO ATTACHED TO THIS DOCUMENT IS A DETAILED DESCRIPTION OF THE PROPERTY.

RESOLUTION # 35 2024

A Resolution to amend the schedule of fees for zoning certificates and applications commencing November 21, 2024.

Whereas, Article XIV of the Township Zoning Resolution provides for fees for zoning permits and applications, and

Whereas, there is a need to update the fee schedule in consideration of the increased cost in administering zoning resolutions.

Now, therefore, be it resolved by the BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP, RICHLAND COUNTY, OHIO:

Section 1. That the following fee schedule for zoning permits shall be and is hereby adopted to be effective November 21, 2024.

**ZONING CERTIFICATES:**

One Family Dwelling Unit	\$100
Two Family Dwelling Unit	\$120
Townhouse Dwelling Unit	\$140
Multi-Family Dwelling Unit	\$140
Temporary Building	\$35
Accessory Building Residential	\$50
Accessory Building Commercial	\$100
Accessory Building Industrial	\$100
Solar Panels	\$140
Temporary Visitors Permit Residential	\$30
Temporary Business Use (1 to 99,999 Sq. Ft.).	\$80
Temporary Business Use (over 100,000 Sq. Ft.)	\$130
Temporary Industrial Use	\$130
Sign Permits	\$35

**CONDITIONAL ZONING APPLICATIONS:**

Residential	\$700
Business	\$2250
Industrial	\$3000

**VARIANCES:**

Appeals to Zoning Board of Appeals of	
Zoning inspectors Decision:	\$700
Application for amendments to Resolution	\$3000

Section 2. That the current fee schedule shall be and is hereby repealed

effective November 21, 2024 ~~to~~ Mr. Swank moved for

Adoption of foregoing Resolution, seconded by Mr. Butler and upon roll call vote, the vote was 111 Aye 0 Nay.

WASHINGTON TOWNSHIP TRUSTEES

ACK BUTLER Jack H. Butler

DAVID YODER David Yoder

STEPHEN SWANK Stephen Swank

ATTEST:

Annette Depue  
ANNETTE DEPUE, FISCAL OFFICER

## **APPENDIX OF NON-ZONING RESOLUTIONS**

RESOLUTION 6-10

RESOLUTION 7-10

RESOLUTION 19-16

RESOLUTION 11-24

Disclaimer: The following are not part of the Washington Township Zoning Resolution and are provided for information purposes only.



RESOLUTION  
# 6-10

**WASHINGTON TOWNSHIP  
RICHLAND COUNTY, OHIO**

**REGULATIONS GOVERNING  
SEXUALLY ORIENTED BUSINESSES  
AND EMPLOYEES**

Adopted by the Board of Trustees, Washington Township, Richland County, Ohio,  
pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code

Adopted this 4th day of February, 2010

---

BEFORE THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP,  
RICHLAND COUNTY, OHIO

**A RESOLUTION REGULATING  
SEXUALLY ORIENTED BUSINESSES**

**(I) PURPOSE AND INTENT**

(A) In enacting this Resolution, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Washington Township Board of Trustees, hereinafter WTBT, makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of Washington Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Washington Township.

(2) The WTBT finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of WTBT that demands reasonable regulation of adult entertainment establishments by WTBT in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by WTBT are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(6) The WTBT desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the WTBT seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The WTBT has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Washington Township and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the WTBT in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the WTBT to condone or legitimize the distribution of obscene material, and the WTBT recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the WTBT in enacting this Resolution to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Washington Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Washington Township. The provisions of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the WTBT in enacting this Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the WTBT in enacting this Resolution to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV

01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the WTBT's independent review of the same) the WTBT finds:

- (1) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- (2) Certain employees of adult entertainment establishments, as defined in this Resolution as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (3) Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.
- (4) Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.

(8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.

(9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.

(16) Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.

(17) The enactment of this Resolution will promote the general welfare, health, morals, and safety of the citizens of this Township.

## **(II) DEFINITIONS**

(A) As used in this Resolution:

(1) "adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "nude," "nudity," "state of nudity," "seminude," "state of seminudity," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Revised Code; and

(2) "adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

(B) "EMPLOYEE" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) "IMMEDIATE FAMILY" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(D) "LICENSE" means a license to act or operate a sexually oriented business, issued pursuant to this Resolution.

(E) "LICENSEE" means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Resolution, licensee means an employee as defined by Section (II), sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(F) "OPERATE" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.

(G) "OPERATOR" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) "PATRON" means any individual on the premises of a sexually oriented business, except for any of the following:

- (1) An operator or an employee of the sexually oriented business;
- (2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
- (3) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(I) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) "PREMISES" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(K) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Resolution, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

(L) "SPECIFIED CRIMINAL ACTIVITY" means any of the following offenses:

- (1) Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;
- (2) for which:
  - (a) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
  - (b) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
- (3) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(M) "TRANSFER OF OWNERSHIP OR CONTROL" of a sexually oriented business shall mean any of the following:

- (1) the sale, lease, or sublease of the business;
- (2) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
- (3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

### **(III) LICENSE REQUIRED**

**(A) No person shall:**

- (1) Operate a sexually oriented business as defined by Section (II), sub-section (K) without a valid sexually oriented business license issued by the Township Zoning Inspector pursuant to this Resolution.
- (2) In connection with operating a sexually oriented business, retain the services of a person as an employee, as defined in this Resolution, who is not licensed as a sexually oriented business employee by the Township Zoning Inspector pursuant to this Resolution.

**(B)** Any person who violates sub-section (A)(1) above shall be guilty of a third degree misdemeanor for a first offense, and a second degree misdemeanor for a second offense.

**(C)** A violation of sub-section (A)(2) above shall be a ground for the suspension of a sexually oriented business license as provided for in Section (IX) of this Resolution.

**(D)** No person shall act as an employee, as defined in this Resolution, on the premises of a sexually oriented business without having secured a sexually oriented business employee license ("employee license") pursuant to this Resolution.

**(E)** A violation of this section shall be a ground for the suspension of a sexually oriented business employee license as provided for in Section (IX) of this Resolution.

### **(IV) APPLICATION FOR LICENSE**

**(A)** An original or renewal application for a sexually oriented business license shall be submitted to the WTBT or its designee on a form provided by the WTBT. The WTBT's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the WTBT or its designee to determine whether the applicant meets the qualifications established in this Resolution.

**(B)** A filing fee of One Hundred Dollars (\$100.00) shall be paid at the time of filing the application.

**(C)** An application for a sexually oriented business license shall identify and be signed by the following persons:



- (1) If the business entity is owned by an individual, that individual.
  - (2) If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.
  - (3) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.
- (D) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Resolution, and shall be considered a licensee if a license is granted.
- (E) An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:
- (1) If the applicant is:
    - (a) an individual, state the legal name and any aliases of such individual; or
    - (b) a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
    - (c) a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
    - (d) a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.
  - (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

- (3) State whether any applicant has been convicted of a specified criminal activity as defined in this Resolution, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
- (4) State whether any applicant has had a previous license under this Resolution or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under this Resolution whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (5) State whether any applicant holds any other licenses under this Resolution or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
- (6) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
- (7) State the mailing address and residential address of each applicant and each person signing the application.
- (8) Submit a recent photograph of each applicant who is a natural person, taken by the Township Zoning Inspector that clearly shows the applicant's face.
- (9) Submit the fingerprints of each applicant who is a natural person, recorded by the Richland County Sheriff's Office.
- (10) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.
- (11) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- (12) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
- (13) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with

marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(14) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the WTBT can determine whether the Resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Resolution's licensing and permitting requirements.

(15) The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

#### **(V) ISSUANCE OF A LICENSE**

(A) Upon receipt of an application for a sexually oriented business license, the WTBT or its designee shall promptly request that the Richland County Sheriff's Department review the information provided in the application concerning the criminal background of the applicant(s) and that the Richland County Sheriff's Department shall transmit the results of its investigation in writing to the WTBT or its designee within five (5) days of the completion of its investigation.

(B) Within five (5) days of receipt of an application for a sexually oriented business, the WTBT or its designee shall notify the Washington Township Fire Chief and the Richland County Health Commissioner of such application. In making such notification, the WTBT or its designee shall request that the Fire Chief and Health Commissioner promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.

(C) The Fire Chief shall provide to the WTBT or its designee a written certification of whether the premises are in compliance with the Washington Township Fire Regulations within ten (10) days of receipt of notice of the application.

(D) The WTBT or its designee shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the Washington Township Zoning Resolution, the Washington Township Property Maintenance Code, and the provisions of this Resolution related to physical characteristics of the premises, and whether the WTBT has received notice from any state or county agency of the premises being in violation of any applicable state building or property codes.

(E) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the WTBT or its designee shall approve or deny the issuance of a license. The WTBT or its designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:

- (1) An applicant who is a natural person is under eighteen (18) years of age.
  - (2) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
  - (3) An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.
  - (4) An applicant has been convicted of a specified criminal activity as defined in this Resolution.
  - (5) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Resolution, the Washington Township Zoning Resolution, the Washington Township Property Maintenance Code, or state statute or regulation.
  - (6) The application and investigation fee required by this Resolution has not been paid.
  - (7) An applicant is in violation of or not in compliance with any provision of this Resolution, except as provided in Section (V), sub-section (F) of this section.
- (F) If the WTBT or its designee determines that one or both of the following findings is true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:
- (1) The results of inspections of the premises by the Fire Chief or its designee or the Health Commissioner or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.
  - (2) An applicant is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.
- (G) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
- (H) The WTBT or its designee shall advise the applicant in writing within three (3) days of the WTBT's decision of the reasons for any license denial. If the WTBT finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

## **(VI) EMPLOYEE LICENSE APPLICATION**

(A) An application for an Employee license shall be submitted to the WTBT or its designee on a form provided by the WTBT. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the WTBT to determine whether the applicant meets the qualifications established in this Resolution.

(B) An application for an employee license shall be completed according to the instructions of the application form, which shall require the following:

- (1) State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.
- (2) State the applicant's date and place of birth.
- (3) State the applicant's height, weight, and hair and eye color.
- (4) Submit a recent photograph of the applicant, taken by the Township Zoning Inspector which clearly shows the applicant's face.
- (5) Submit the applicant's fingerprints, recorded by the Richland County Sheriff's Office.
- (6) Describe and identify the location of any tattoos on the applicant's face, arms, legs, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed sexually oriented business.
- (7) State the applicant's present residence address and telephone number.
- (8) State the applicant's present or intended business address and telephone number.
- (9) State the applicant's driver's license number and Social Security number.
- (10) Submit proof that the applicant is at least eighteen (18) years old.
- (11) Provide a statement detailing the sexually oriented business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually oriented business, in this or any other jurisdiction, and whether the applicant has ever had a sexually oriented business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.
- (12) State whether the applicant has been convicted of a specified criminal activity as defined in this Resolution and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.

(13) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the WTBT can determine whether the Resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Resolution's licensing and permitting requirements.

(14) The information gathered pursuant to the above provisions constitutes protected private information and is exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

#### **(VII) ISSUANCE OF SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE**

(A) Upon the filing of a completed application for an employee license, the WTBT or its designee shall issue a license to said applicant immediately.

(B) Within five (5) days of receipt of a completed application for an employee license, the WTBT or its designee shall request that the Richland County Sheriff's Department initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Richland County Sheriff's Department shall document the results of its investigation in writing within five (5) days of the completion of its investigation and transmit this writing to the WTBT or its designee.

(C) Within ten (10) days after completion of the criminal background investigation of the applicant, the WTBT or its designee shall either affirm the prior issuance of the license or revoke the license. The WTBT or its designee shall affirm the prior issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:

(1) The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).

(2) The applicant is under eighteen (18) years of age.

(3) The applicant has been convicted of a specified criminal activity as defined in this Resolution.

(4) The employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.

(5) The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.

(D) If the employee license is revoked, the WTBT or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any such revocation.

#### **(VIII) EXPIRATION AND RENEWAL OF LICENSE**

(A) Each license issued pursuant to this Resolution shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(B) An application for renewal of a sexually oriented business license shall be submitted to the WTBT or its designee on a form provided by the Township Zoning Inspector. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(C) The WTBT or its designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Resolution.

(D) The WTBT or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

(E) An application for renewal of an employee license shall be submitted to the WTBT or its designee on a form provided by the Township Zoning Inspector. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

(F) When the WTBT denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if the WTBT finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one year period.

## **(IX) SUSPENSION**

(A) The WTBT shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

- (1) has violated or is not in compliance with any section of this Resolution; or
- (2) has knowingly allowed an employee to violate or fail to comply with any section of this Resolution.

(B) The WTBT shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section (V), sub-sections (B) – (C) of this Resolution or any other reasonable inspection.

(C) The WTBT shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or is not in compliance with any section of this Resolution.

(D) The WTBT or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

## **(X) REVOCATION**

(A) The WTBT shall revoke a sexually oriented business license or employee license if a cause of suspension under this Resolution occurs and the license has been suspended two times within the preceding twelve (12) months.

(B) The WTBT shall revoke a sexually oriented business license if it determines that:

- (1) a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
- (2) the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Resolution, to correct specified deficiencies within 120 days;
- (3) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (4) a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;
- (5) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;



- (6) a licensee has knowingly allowed any act of specified sexual activity, as defined in this Resolution, to occur in or on the licensed premises;
  - (7) a licensee has been convicted of a specified criminal activity, as defined in this Resolution, during the term of the license; or
  - (8) a licensee is delinquent in payment to the Township, County, or State for any taxes or fees that were assessed or imposed in relation to any business.
- (C) The WTBT shall revoke an employee license if it determines that:
- (1) the licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
  - (2) the licensee has knowingly acted as an employee on the premises of a sexually oriented business during a period of time when the licensee's license was suspended; or
  - (3) the licensee has been convicted of a specified criminal activity, as defined in this Resolution during the term of the license.
- (D) The WTBT or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.
- (E) When the WTBT revokes a license pursuant to sub-sections (A), (B)(3) – (7), (C)(2) or (3) above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.
- (F) When the WTBT revokes a license pursuant to sub-sections (B)(1), (B)(8) or (C)(1) above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.<sup>12</sup>

#### **(XI) APPEAL RIGHTS**

- (A) In the event that the WTBT denies, suspends, or revokes a new or renewal license under this Resolution, or any action taken on an appeal that is provided by this Resolution, the applicant may pursue an appeal to Richland County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the WTBT to render a decision on the application within the time prescribed in Section (IX), sub-section (A) above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to Richland County Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 541 U.S. 774.
- (B) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status

quo of the licensee is maintained during the pendency of an appeal of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section (A) above.

(C) Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status quo of the licensee is maintained during the pendency of an appeal of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section (A) above.

(D) In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the WTBT or its designee pursuant to this Resolution. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, the WTBT has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.

(E) If, during the pendency of any appeal pursued under sub-section (A) above, there are additional denials of a renewal license application or suspensions or revocations of that license, the WTBT has the right to consolidate the appeal pursued under Section (XI), sub-section (A) above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

## **(XII) TRANSFER OF LICENSE**

(A) A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

(B) An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the WTBT or its designee within fifteen (15) days of such transfer.

## **(XIII) ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF A SEXUALLY ORIENTED BUSINESS**

(A) Sexual Activity, Live Entertainment and Performances

(1) No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(2) Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by this Resolution, must be on a stage that is at least twenty (20)

inches from the floor, and at a distance at least thirty (30) inches from all parts of a clearly designated area in which patrons will be present.

(3) All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twenty (20) inches from the floor and a distance of at least thirty (30) inches from all parts of a clearly designated area in which patrons will be present.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.<sup>17</sup>

(5) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least five (5) feet from all patrons.

(6) Employees in a sexually oriented business shall maintain a minimum distance of five (5) feet from areas on the business premises occupied by patrons for a minimum of sixty (60) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.

(7) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or semi-nude.<sup>20</sup>

(8) No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(9) The provisions of sub-sections (A)(1) – (8) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.

(10) In addition, sub-sections (A)(1) – (8) shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.

(B) Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(C) Hours of Operation. No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

#### **(XIV) SEVERABILITY CLAUSE**

If any section, sub-section, paragraph or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

At the regular meeting of February 4<sup>th</sup>, 2010, MR. BUTLER  
moved for adoption of the foregoing Resolution, seconded by MRS. LEITENBERGER  
and upon roll call vote the vote was ✓✓ aye \_\_\_\_\_ nay.

WASHINGTON TOWNSHIP TRUSTEES

Kay Leitenberger  
Kay Leitenberger

Bob Entenmann  
Bob Entenmann

Jack G. Butler  
Jack Butler

ATTEST: 2-4-2010

William Powell  
William Powell  
Township Fiscal Officer

# RESOLUTION

# 7-10

**WASHINGTON TOWNSHIP  
RICHLAND COUNTY, OHIO**

**REGULATIONS GOVERNING**

**CRIMINAL CONDUCT IN**

**SEXUALLY ORIENTED BUSINESSES**

Adopted by the Board of Trustees, Washington Township, Richland County, Ohio,  
pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code

Adopted this 4th day of February, 2010

BEFORE THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP,  
RICHLAND COUNTY, OHIO

**A RESOLUTION PROHIBITING CRIMINAL CONDUCT  
IN SEXUALLY ORIENTED BUSINESSES**

**(I) PURPOSE AND INTENT**

(A) In enacting this Resolution, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Washington Township Board of Trustees, hereinafter WTBT, makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of Washington Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Washington Township.

(2) The WTBT finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of WTBT that demands reasonable regulation of adult entertainment establishments by WTBT in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by WTBT are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(6) The WTBT desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the WTBT seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The WTBT has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Washington Township and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the WTBT in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the WTBT to condone or legitimize the distribution of obscene material, and the WTBT recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the WTBT in enacting this Resolution to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Washington Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Washington Township. The provisions of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the WTBT in enacting this Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the WTBT in enacting this Resolution to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc.*,

*et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the WTBT's independent review of the same) the WTBT finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths, or cubicles for viewing films, videos, or live performances.
- (3) Each of the foregoing negative secondary effects constitutes a harm which Washington Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is



Washington Township's rationale for this Resolution, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, WTBT's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in Washington Township. The WTBT finds that the cases and documentation relied on in this Resolution are reasonably believed to be relevant to said secondary effects.

(4) The enactment of this Resolution will promote the general welfare, health, morals, and safety of the citizens of Washington Township.

## **(II) DEFINITIONS**

(A) As used in this Resolution:

(1) "adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "nude," "nudity," "state of nudity," "seminude," "state of seminudity," "sexual device," "sexual device shop," "sexual encounter center," and "specified anatomical areas" have the same meanings as in Section 2907.40 of the Revised Code; and

(2) "adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

(B) "EMPLOYEE" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) "IMMEDIATE FAMILY" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(D) "LICENSE" means a license to act or operate a sexually oriented business, issued pursuant to this Resolution.

(E) "LICENSEE" means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Resolution, licensee means an employee as defined by sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(F) "OPERATE" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of

individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.

(G) "OPERATOR" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) "PATRON" means any individual on the premises of a sexually oriented business, except for any of the following:

- (1) An operator or an employee of the sexually oriented business;
- (2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
- (3) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(I) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) "PREMISES" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(K) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Resolution, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

### **(III) UNLAWFUL ACTIVITIES**

(A) Nothing contained in this Resolution is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or WTBT Resolution. It is unlawful and a violation of this Resolution for an operator to knowingly or intentionally violate the provisions of this Resolution or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this Resolution. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

(B) No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(C) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least five (5) feet from all patrons and on a fixed stage at least twenty (20) inches from the floor and at least thirty (30) inches from all parts of a clearly designated area in which patrons will be present.

(D) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(E) Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given one hundred eighty (180) days from the effective date of Section III of this Resolution to comply with the stage and building requirements of this section. During said one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least five (5) feet from all patrons.

(F) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or semi-nude.

(G) No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(H) Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(I) Hours of Operation. No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the

hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

(J) The provisions of Section (III), Unlawful Activities, shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees, and live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.

#### **(IV) SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LIABILITY**

This Resolution does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of Section (III) of this Resolution. Notwithstanding anything to the contrary, for the purposes of Section (III), an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this Section (III) only if an officer, director, general partner or licensee, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

#### **(V) PENALTY; EQUITABLE REMEDIES**

(A) Any person, business, or entity violating or refusing to comply with any provisions of this Resolution, (except for violations of Section (III), sub-sections (F), (G) or (I)), shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a first degree misdemeanor with a penalty of up to six (6) months in jail and a fine of One Thousand Dollars (\$1,000.00). Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises in which a sexually oriented business, as defined in Section (II), sub-section (K) of this Resolution, is repeatedly operated or maintained in violation of the provisions of this Resolution shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the WTBT in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(B) Whoever violates Section (III), sub-sections (F) or (G) of this Resolution shall be guilty of illegal sexually oriented activity in a sexually oriented business. If the offender touches a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of Section (III), sub-sections (F) or (G) of this Resolution is a misdemeanor of the first degree. If the offender does not touch a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of Section (III), sub-sections (F) or (G) of this Resolution is a misdemeanor of the fourth degree.

(C) Whoever violates Section (III), sub-section (I) of this Resolution is guilty of illegally operating a sexually oriented business, a misdemeanor of the first degree.

(D) Notwithstanding Section (V), sub-section (A) hereof, the WTBT may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this Resolution.

**(VI) SEVERABILITY**

If any section, sub-section, paragraph or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

At the regular meeting of February 4<sup>th</sup>, 2010, MRS. LEITENBERGER  
moved for adoption of the foregoing Resolution, seconded by MR BUTLER  
and upon roll call vote the vote was ✓ aye \_\_\_\_\_ nay.

WASHINGTON TOWNSHIP TRUSTEES

Kay Leitenberger  
Kay Leitenberger

Bob Entenmann  
Bob Entenmann

Jack D. Butler  
Jack Butler

ATTEST: 2-4-2010  
William Powell  
William Powell  
Township Fiscal Officer

# 19-16

BEFORE THE BOARD OF TOWNSHIP TRUSTEES  
OF WASHINGTON TOWNSHIP, RICHLAND COUNTY, OHIO

A RESOLUTION TO PROHIBIT CULTIVATORS,  
PROCESSORS, AND RETAIL DISPENSARIES IN THE  
UNINCORPORATED TERRITORY OF WASHINGTON  
TOWNSHIP

WHEREAS, SB 523 legalized medical marijuana on September 2016, and

WHEREAS, R.C. 3796.29 as amended, authorizes the Board of Township Trustees to  
adopt certain prohibitions regarding medical marijuana.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP  
TRUSTEES OF WASHINGTON TOWNSHIP, RICHLAND COUNTY, OHIO:

SECTION 1. For the purposes of this Resolution, the definitions of R.C. 3796.01 are  
adopted.

SECTION 2. That the cultivators, processors, and retail dispensaries licensed under  
ORC Chapter 3796 are prohibited within the unincorporated territory of Washington  
Township.

SECTION 3. That any person violating this Resolution shall be subject to criminal  
prosecution as authorized by the Ohio Revised Code and/or shall be subject to abatement and  
injunction brought by the township.

At the regular meeting of the Washington Township Trustees on 9-15,  
2016, MR. BUTLER moved for adoption of the foregoing Motion, seconded by  
MR. ENTENMANN and upon roll call vote, the vote was ✓✓ aye \_\_\_\_\_ nay.

WASHINGTON TOWNSHIP TRUSTEES

Bob Entenmann  
Bob Entenmann

Jack G. Butler  
Jack Butler

ABSENT  
Kay Leitenberger

ATTEST: 9-15-16

William Powell  
William Powell  
Township Fiscal Officer



BOARD OF TOWNSHIP TRUSTEES OF Washington TOWNSHIP

Resolution 11-24

A RESOLUTION TO PROHIBIT ADULT USE CANNABIS OPERATORS AND MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES WITHIN THE UNINCORPORATED AREA OF Washington TOWNSHIP

The Board of Township Trustees of Washington Township met on 2/15, 2024, with the following members present:

Jack A. Butler  
David Yoder  
Steve Swank

Trustee Steve Swank moved that the following resolution be adopted:

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult use cannabis in the state of Ohio; and

WHEREAS, R.C. 3780.25 authorizes townships to prohibit or limit the number of adult use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, Medical marijuana is regulated in Ohio by Chapter 3796 of the Ohio Revised Code; and

WHEREAS, R.C. 3796.29 similarly authorizes townships to prohibit or limit the number of marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the unincorporated area of the township; and

WHEREAS, the board of township trustees finds it to be in the best interest of the township to prohibit adult use cannabis operators licensed under Chapter 3780, as well as cultivators, processors, and retail dispensaries licensed under Chapter 3796, within the unincorporated area of the township;

Now, therefore, be it RESOLVED, as follows:



- 1) All terms used in this resolution shall be defined in the same manner as R.C. Chapter 3796, as it pertains to medical marijuana, and R.C. Chapter 3780, as it pertains to adult use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in both chapters.
- 2) Adult use cannabis operators, as well as cultivators, processors, and retail dispensaries of medical marijuana are hereby prohibited from operating within the unincorporated area of Washington Township.
- 3) It is the intent of the Board of Township Trustees to prohibit the operations described in Section 2 above to the maximum extent permitted by R.C. 3780.25, R.C. 3796.29, and any other applicable provisions of state law. This resolution shall be construed in a manner that gives maximum effect to that intent.

Trustee Jack Butler seconded the motion, and the roll call vote proceeded as follows:

<u>Jack D. Butler</u>	<u>Y</u>
<u>Daniel Golder</u>	<u>Y</u>
<u>AKS</u>	<u>Y</u>

Adopted this 15 day of February, 2024.

Annette Sp  
Township Fiscal Officer



# Issue 2

## & What Townships Need to Know

The new law will go into effect on December 7, 2023.

This law:

- Permits adults to possess up to two and a half ounces of marijuana or 15 grams of marijuana extract.
- Allows individuals to purchase marijuana from retail locations or grow up to six plants per adult at a private residence for personal use.
- Issues retail dispensary licenses, estimated to be distributed by late 2024.

*\*Please note that the ballot initiative adopted by Ohioans was not a constitutional amendment; therefore, the Ohio General Assembly can amend the recreational marijuana laws in the same way it amends other statutes. The General Assembly is currently discussing amendments to the new law.*

On November 7, 2023, Ohio voters approved State Issue 2, which authorizes and regulates the possession, use, and sale of recreational marijuana and cannabis products. Recreational products are generally referred to in the Ohio Revised Code (R.C.) Chapter 3780 as "adult-use cannabis" to distinguish them from medical marijuana, which is already authorized and regulated under R.C. Ch. 3796.

## Regulating Adult-Use Cannabis Operators

Previously enacted law in 2016 allowed for medical marijuana operations in Ohio and permitted townships, regardless of whether they are zoned, to prohibit or limit the number of medical marijuana cultivators, processors, or retail dispensaries licensed by Ohio in their jurisdiction.

The new law will now also allow a board of township trustees - beginning on December 7 - to adopt a resolution by majority vote to prohibit or limit the number of adult-use cannabis operators permitted within the unincorporated territory of the township. It is important to note that townships may not prohibit or limit home growing of marijuana as authorized by the law (up to six plants per adult at a residence). The ability to prohibit or limit adult-use cannabis operators applies to ALL townships regardless of whether they have zoning or not.

A township that elects not to adopt a resolution prohibiting or limiting adult-use cannabis operators may have adult-use cannabis operators siting in their township and the township would be eligible to host community cannabis funding.

However, there are exceptions based on medical marijuana operations or those that partner with a medical marijuana operation. Existing cultivators, processors, or dispensaries for medical marijuana who have a certificate of operation may not be prohibited or limited by a township from operating unless there is a revocation of the certificate of operation.

Adult-use cultivators, adult-use processors, and adult-use

dispensaries that are co-located on the same parcel or contiguous parcels with an adult-use cultivator and an adult-use processor, who are applicants or license holders for medical marijuana and whose owners also have a certificate of operation at the same location as of December 7, 2023, may not be prohibited or limited by any township from operating because of the significant capital investment in the facilities.

Dispensaries, or the owners of dispensaries, who have a certificate of operation and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation as of December 7, 2023, shall also be authorized to operate as an adult use dispensary without any township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the board of trustees of a township affirmatively pass a resolution, after the license is issued and within 120 days from license issuance, prohibiting the operation of the adult use dispensary within the unincorporated territory of the township.

Suppose a majority of the board of township trustees pass a resolution prohibiting the adult-use dispensary. In that case, the adult-use dispensary license holder shall cease operations

within 60 days unless the license holder files with the board of elections a petition signed by the lessor of 100 qualified electors or 5% of the qualified electors of the township, requesting that the issue, of whether the adult use dispensary shall remain open be placed on the next general election ballot. If a majority of the voters at the general election vote yes for the issue, then the adult-use dispensary may operate within the township, and the township shall receive related host community cannabis funding as authorized. If a majority of voters vote no, the adult-use dispensary with a certificate of operation must close within 90 days unless a request to relocate has been made to the board of pharmacy.

A township may not adopt a resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization. A township may not levy a tax, fee, or charge on adult-use cannabis operators, their owners, or their property, which is not generally charged to other businesses in the township. A township may not prohibit or limit home growth or any other activity otherwise authorized by law.\*

*\*Please note that the General Assembly is currently discussing eliminating the restrictions listed here.*