

Article I

GENERAL PROVISIONS

Section 1.01 Title

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

Section 1.02 Purpose

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

Section 1.03 Interpretation and Applicability

1.03.01 Interpretation and Consistency

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amend, modify, alter or change any other Ordinance of the City of Washington, Ohio, or part thereof not specifically repealed, amended, modified, altered or changed herein.

1.03.2 Provisions Cumulative

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deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or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

1.03.03 **Applicability**

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

Section 1.04 Separability

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

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

Section 1.06 Effective Date

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

ARTICLE II

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 2.01 Building and Zoning Inspector

2.01.01 Office of Building and Zoning Inspector Created

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

2.01.02 Relief From Personal Liability

The Building and Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him as a result of the enforcement of this ordinance. In any of these actions, the Building and zoning Inspector or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

2.01.03 Duties of Building and Zoning Inspector

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

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

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

2.02.01 Establishment

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

2.02.02 Removal of Members

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

2.02.03 Quorum

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

2.02.04 Procedures

The meetings of the Board shall be public. The Board shall organize annually and elect a Chairman, and Secretary. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of the Zoning Ordinance. The Secretary of the board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent of failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be immediately filed in the City offices and shall be a public record.

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

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

2.02.05

Powers and Duties

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

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

Section 2.03

Planning Commission

2.03.01

Establishment

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

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

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

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

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

ARTICLE III

ENFORCEMENT AND PENALTY

Section 3.01 Zoning Permit Required

No building or other structure shall be erected, moved, added to, or structurally altered: nor shall any building, structure or land be established or changed in use according to zoning category, wholly or partly, until a Zoning Permit, which may be part of a building permit, shall have been issued by the Building and Zoning Inspector. Such Zoning Permit shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Ordinance.

Section 3.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

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

Section 3.04 Application for Zoning Permit

Three (3) copies of an application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and shall be revoked if work has not begun within one (1) year, and substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

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

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

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

Section 3.05 Approval of Zoning Permits

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

Section 3.06 Submission to the Director of the Department of Transportation

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

Section 3.07 Record of Zoning Permit

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

Section 3.08 Expiration of Zoning Permits

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

Section 3.09 Certificate of Occupancy

A. Certificate of Occupancy Required

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

B. Application for Certificate of Occupancy

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

C. Approval of Health Department Required

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

D. Temporary Certificate of Occupancy

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

E. Record of Certificate of Occupancy

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

Section 3.10 Schedule of Fees, Charges and Expenses

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

Section 3.11 Violation

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

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

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

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

3.11.03 Complaints Regarding Violations

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

3.11.04 Penalties for Violation

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

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

3.11.05 Void Zoning Permit

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

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

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

ARTICLE IV

AMENDMENTS

Section 4.01 Power of City Council

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

Section 4.02 Invitation of Zoning Amendments

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

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

Section 4.03 Contents of Application

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

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

Section 4.04 Transmittal of Resolution to Planning Commission

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

Section 4.05 Recommendation by Planning Commission

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

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

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

Section 4.06 Action by City Council

A. Public Hearing

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

B. Display of Relevant Materials

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

C. Action by City Council

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

D. Effective Date and Referendum

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

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

ARTICLE V

APPEALS AND VARIANCES

Section 5.01 Appeals

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

Section 5.02 Powers of the Board of Zoning Appeals

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

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

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

Section 5.03 Application for Variance and Appeals

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

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

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

Section 5.04 Supplementary Conditions and Safeguards

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

Section 5.05 Public Hearing by the Board

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

Section 5.06 Notice of Public Hearing

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

Section 5.07 Notice of Parties of Interest

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

Section 5.08 Action by Board of Zoning Appeals

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

ARTICLE VI

CONDITIONAL USES

Section 6.01 Purpose

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

Section 6.02 Application for Conditional Use

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

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

Section 6.03 General Standards for Conditional Uses

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

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

Section 6.04 Supplemental Conditions

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

Section 6.05 Public Hearing by the Board of Zoning Appeals

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

Section 6.06 Action by the Board of Zoning Appeals

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

Section 6.07 Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions

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

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

ARTICLE VII

NONCONFORMING USES

Section 7.01 Intent

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

Section 7.02 When Permitted

7.02.01 Existing Land or Buildings

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

7.02.02 Construction Commenced

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

Section 7.03 Substitution

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

Section 7.04 Extension

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

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

Section 7.05 Discontinuance

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

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

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

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

Section 7.07 Maintenance and Repair

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

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

Section 7.08 Nonconforming Lots of Record

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

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

ARTICLE VIII

ZONING DISTRICTS AND OFFICIAL ZONING DISTRICT MAP

Section 8.01 Zoning Districts Established

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

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

Section 8.02 Official Zoning Map

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

Section 8.03 Interpretation of Zoning District Boundaries

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

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

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

Section 8.04 Newly Annexed Areas

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

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

ARTICLE IX

STANDARD ZONING DISTRICT REGULATIONS

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

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

Section 9.02 Rules of Application

9.02.01 Identification of Uses

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

9.02.02 Permitted Uses

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

9.02.03 Accessory Uses

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

9.02.04 Conditional Uses

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

9.02.05 Similar Uses

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

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

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

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

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

9.02.06 Development Standards

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

9.02.07 Essential Services

Essential Services, as defined and specified in Article XXXIII of this Ordinance, shall be permitted in any and all zoning districts within the municipality. buildings housing those activities related to such services shall be permitted in the CF District.

ARTICLE X

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

Section 10.01 Purpose

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

Section 10.02 Permitted Uses

- A. One-family detached dwellings

Section 10.03 Accessory Uses

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

Section 10.04 Conditional Uses

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

Section 10.05 Development Standards

10.05.01 Lot Area

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

10.05.02 Minimum Lot Width

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

10.05.03 Minimum Front Yard Depth

Thirty (30) feet.

10.05.04 Minimum Side Yard Width

Ten (10) feet.

10.05.05 Minimum Rear Yard Depth

Forty (40) feet.

10.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XI

(R-1B) MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

Section 11.01 Purpose

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

Section 11.02 Permitted Uses

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

Section 11.03 Accessory Uses

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

Section 11.04 Conditional Uses

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

Section 11.05 Development Standards

11.05.01 Lot Area

10,000 square feet

11.05.02 Minimum Lot Width

For each principal use, there shall be lot width of not less than seventy-five (75) feet with frontage on a publicly dedicated, improved street or highway.

11.05.03 Minimum Front Yard Depth

Thirty (30) feet.

11.05.04 Minimum Side Yard Depth

Eight (8) feet

11.05.05 Minimum Rear Yard Depth

Forty (40) feet

11.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XII

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

Section 12.01 Purpose

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

Section 12.02 Permitted Uses

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

Section 12.03 Accessory Uses

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

Section 12.04 Conditional Uses

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

Section 12.05

12.05.01 Lot Area

For each principal use, there shall be a lot area of not less than 7,500 square feet.

12.05.02 Minimum Lot Width

Sixty (60) feet of lot with frontage on a publicly dedicated, improved street or highway

12.05.03 Minimum Front Yard Depth

Twenty-five (25) feet

12.05.04 Minimum Side Yard Depth

Eight (8) feet

12.05.05 Minimum Rear Yard Depth

Thirty-five (35) feet

12.05.06 Maximum Building Height

Thirty-five (35) feet

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

Section 13.01 Purpose

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

Section 13.02 Permitted Uses

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

Section 13.03 Accessory Uses

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

Section 13.04 Conditional Uses

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

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

- A. 4,000 square feet per dwelling unit for two-family dwellings and congregate or group homes; 6,000 square feet per dwelling unit for single-family residences. All lots within the R2 District shall be served by public water and sewer facilities.
- B. Only one permitted or conditional use shall be allowed on a zoning

lot, and lot shall be covered no more than 30 percent by the structure.

13.05.02 Minimum Lot Width

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

13.05.03 Minimum Front Yard Depth

Twenty-five (25) feet.

13.05.04 Minimum Side Yard Width

Eight (8) feet.

13.05.05 Minimum Rear Yard Depth

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

13.05.06 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XIV (R-3) MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 14.01 Purpose

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

Section 14.02 Permitted Uses

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

Section 14.03 Accessory Uses

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

Section 14.04 Conditional Uses

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

Section 14.05 Development Standards

14.05.01 Minimum Lot Area

4,000 square feet per dwelling unit for two-family dwellings. 3,500 square feet per dwelling unit for all other multiple-family dwellings.

14.05.02 Minimum Lot Frontage

Eight (80) feet of frontage on a publicly dedicated and improved street or highway.

14.05.03 Minimum Front Yard Depth

Twenty (20) feet

14.05.04 Minimum Side Yard Width
Ten (10) feet.

14.05.05 Minimum Rear yard Depth
Forty (40) feet.

14.05.06 Maximum Building Height
Thirty-five (35) feet.

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

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

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

ARTICLE XV

(R-4) MOBILE HOME RESIDENTIAL DISTRICT

Section 15.01 Purpose

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

Section 15.02 Definitions

- A. "Manufactured Housing" shall mean a building designed for residential use, which has all of the following:
 - 1. It is mass-produced in a factory.
 - 2. It is designed and constructed for transport to a site for installation and use when connected to the required utilities.
 - 3. It is either an independent, individual building or module for combination with other elements to form a building on the site.
- B. "Mobile Home" shall mean manufactured housing which is constructed on a chassis. A mobile home shall be construed to remain a whole home, subject to all regulations applying thereto, whether or not wheels, axles, hitches or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A travel trailer or other form of recreational vehicle shall not be construed as a mobile home.
- C. "Mobile Home Community" - A mobile home development, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings, and/or areas, common open space, and the like.

Section 15.03 Permitted Uses

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

Section 15.04 Accessory Uses

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

Section 15.05 Development Standards

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

15.05.01 Minimum Lot Area

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

15.05.02 Minimum Lot Width

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

15.05.03 Minimum Front Yard

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

15.05.04 Minimum Side Yard Width

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

15.05.05 Minimum Rear Yard Depth

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

15.05.06 Minimum Lot Coverage

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

15.05.07 Required Open Space and Recreational Areas

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

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

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

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

15.05.08 Maximum Building Height

Twenty-five (25) feet.

15.05.09 Anchors and Skirting

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

15.05.10 Off-Street Parking

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

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

15.05.11 Lots and Locations of Dwellings on Lots; Occupancy

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

15.05.12 Access

All mobile home communities shall have direct access to collector streets with a right-of-way of not less than 60 feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street

bordering the development.

15.05.13 **Streets and Street Layout**

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

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

15.05.14 **Landscaping**

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

15.05.15 **Water and Sewer**

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

15.05.16 **Storm Drainage**

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

15.05.17 **Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

15.05.18

Trash and Garbage Control

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

15.05.19

Fire Protection

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

15.05.20

Signage

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

ARTICLE XVI

(RO) RESIDENTIAL OFFICE DISTRICT

Section 16.01 Purpose

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

Section 16.02 Permitted Uses

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

Section 16.03 Accessory Uses

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

Section 16.04 Conditional Uses

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

Section 16.05 Special Provisions For Office and Conditional Uses

A. Hours

Permitted uses shall be conducted principally in daylight hours

B. Nuisance

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

C. Appearance

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

D. Lighting

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

E. Signage

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

F. Storage

Storage of materials and equipment shall be within enclosed buildings.

G. Parking

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

Section 16.06 Development Standards

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

Section 16.07 Additional Information Required for Zoning Amendment

Due to special conditions inherent to this district, additional information may be required of an applicant seeking a rezoning of property to the RO District. Such information shall be specified by the Planning Commission and may include site layout, dimensions of driveways and entrances, vehicular circulation patterns, location of off-street parking spaces, and landscaping.

ARTICLE XVII

(B-1) NEIGHBORHOOD BUSINESS DISTRICT

Section 17.01 Purpose

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

Section 17.02 Permitted Uses

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.
- B. Professional offices engaged in providing services to the general public consisting of:
 - 1. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 2. Other health or allied medical facilities.
 - 3. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 4. Accounting, auditing and other bookkeeping services.
- C. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure, including:
 - 1. Food and food products, consisting of: grocery stores, meat and fish markets, fruit stores and vegetable markets, and specialty stores such as bakery, candy or confectionery.
 - 2. Proprietary drop and hardware stores.
 - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the Neighborhood Business District.

D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:

1. Restaurants, but not including restaurants with drive-through facilities.
2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
3. Barber and beauty shops, having not more than three work stations.
4. Funeral services.
5. Human medical clinics.
6. Radio, television or small appliance repair.
7. Commercial photography.
8. On-premises duplication services.

E. Nursery schools and day care facilities.

Section 17.03 Conditional Uses

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

Section 17.04 Development Standards

17.04.01 Lot Area

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

17.04.02 Lot Width

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

17.04.03 Front Yard Setback

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

17.04.04 Side Yards

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

17.04.05 Rear yards

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

17.04.06 Additional Yard and Pedestrian Areas

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

17.04.07 Maximum Building Size

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

17.04.08 Lighting

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

17.04.09 Parking and Loading

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

17.04.10 Landscaping

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

17.04.11 Trash and Garbage Control

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

ARTICLE XVIII

(B-2) DOWNTOWN BUSINESS DISTRICT

Section 18.01 Purpose

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

Section 18.02 Permitted Uses

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

6. Human medical and dental clinics.
7. Radio, television, or small appliance repair.
8. Public and private parking areas.
9. On-premises duplication facilities.

D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

E. Buildings for the warehousing and/or storage of materials.

F. Public facilities such as governmental offices, post office, police and fire stations, libraries, museums, private schools, and public parks.

G. Public parking areas.

H. Similar Uses, which conform to the purpose and intent of the Downtown Business District, as determined by the Planning Commission in accordance with the provisions of Section 9.02.05 of this Ordinance.

Section 18.03 Conditional Uses

A. Hotels and Bed-and-Breakfast Inns

Section 18.04 Development Standards

18.04.01 Lot Area

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

18.04.02 Lot Width

No minimum lot width is required.

18.04.03 Front Yard Setback

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

18.04.04 Side Yards

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

18.04.05 Rear Yards

No minimum side yard shall be required unless the building or structure is adjacent to an R-District, in which case the rear yard shall be twenty (20) feet.

18.04.06 **Parking and Loading**

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

18.04.07 **Landscaping**

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

18.04.08 **Trash and Garbage Control**

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