

## **ARTICLE XXVII**

### **SIGNS**

#### **27.01 Purpose**

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

#### **27.02 Definitions**

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

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

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

## 27.03 Sign Permits

### A. Permit Required

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

### B. Contents of Application

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

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

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
  - a. The width of the building face or faces that abut the streets and the width of the lot not occupied by a building.
  - b. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
  - c. The method of illumination.
  - d. The exact location of the sign in relation to the building and property.
- C. Details and specifications for the construction, erection and attachment of the sign.
- D. Name, address, and telephone number of the sign contractor company.
- E. Other information as may be required by the Building and Zoning Inspector to ensure compliance with the provisions of this Ordinance.

## 27.04 Signs Which Do Not Require a Permit

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, not to include designations as to employment or home occupation, and to be limited in

size to two (2) square feet.

- B. Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.
- C. Signs which are in the nature of cornerstones, commemorative tables and historical signs provided that such signs are less than nine (9) square feet in size and not illuminated.
- D. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- E. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than 45 days prior to election and to be removed no later than three (3) days after such election, subject to penalty. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way.
- F. Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per street front. Such signs shall not be located in a public right-of-way.
- G. Temporary window signs which promote special business sales, promotion or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date for each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- H. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- I. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not be located in a public right-of-way.
- J. Temporary construction signs which display the identification of the construction project including identification of the contractors, architects and other construction principals provided that such construction sign is removed upon the completion of construction or the commencement of occupancy, whichever event occurs first.
- K. Signs promoting community events and programs which last for a time period of 14 days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than 48 hours after the scheduled activity.

## **27.05 General Requirements - Temporary Signs**

Temporary signs shall be subject to the following general requirements:

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

## **27.06 General Requirements - Permanent Signs**

### **A. Compliance Required**

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

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

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

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

### **C. Freestanding Signs**

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

### **D. Window Signs**

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

## M. Off-Premises Signs

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

## F. General Requirements

1. **Illumination** - Illumination of signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. **Moving Signs** - Moving signs and the animation of signs are prohibited.
3. **Pennants and/or Streamers** - No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.
4. **Construction** - All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.
5. **Location** - In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way. In no case shall any part of a sign be placed over, or extend above the roof of any structure.
6. **Joint Identification Signs** - Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) public street. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Any joint identification sign shall not exceed fifteen (15) feet in height if in the B-3, LI or GE District, and no more than eight (8) feet in height if any other district.
7. **Roof Signs** - Roof signs are prohibited.
8. **Permanent Subdivision Identification Signs** - Such signs shall be limited to wall mounted signs or graphics only, with placement on walls, railroad ties, entrance columns or similar architectural or landscaping features used to denote the entrance to the subdivision and not more than five (5) feet in height and shall set back at least twenty-five (25) feet from the right-of-way of both streets.

9. Signs in Planned Unit Development Districts - Signs in the Planned Unit Development District shall generally meet the requirements for similar uses in the Residential, B-1 and GE Districts. The applicant shall submit a total signage plan for the proposed planned unit development as part of the final development plan.

## 27.07 **Measurement of Sign**

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

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

## 27.08 **Nonconforming Signs**

### A. Abandonment

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

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:

- a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
- b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

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

**B. Relocation or Replacement**

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

**C. Maintenance**

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

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

**27.09      Penalties**

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

**27.10      Schedule of Sign Regulations**

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

**SECTION 28.10 SCHEDULE OF PERMANENT ON-PREMISES SIGN REGULATIONS**

USE/DISTRICT	PERMITTED CONTENTS	PERMITTED TYPES	MAXIMUM # OF SIGNS	MAXIMUM HEIGHT (FEET)	MAXIMUM AREA (SQ FT)	MINIMUM FT FROM R-O-W (FREESTANDING SIGN)
<b>RESIDENTIAL</b>						
Single-Family Residences (All Districts)	Address/Name of Occupant	Wall	1	20	2	—
Subdivision Identification	Identification of Subdivision	Wall	1	8	20	15
Two & Multiple-Family (All Districts)	Address/Name of Occupant	Wall	1	20	2	—
Office in RO District	Identification/Address	Wall	1	20	2	—
Nursery Schools, Day Care Facilities in R3 District	Address/Identification/Directional	Wall, Freestanding	1 per frontage	20	10	15
<b>COMMERCIAL/OFFICE/INSTITUTIONAL</b>						
Schools, churches, hospitals and other institutions in CF District	Address/Identification/ Bulletin Board/Directional **	Wall, Freestanding	1 per frontage	35	40	15
Business, Professional administrative offices in B1& B2 Districts	Address/Identification of Occupant & Activity, Directional **	Wall, freestanding, window projecting, awning	1 per frontage	15	30	15
Business, professional, public & administrative offices in B3 District	Address/Identification of Occupant & Activity, Directional **	Wall, window, freestanding, projecting, awning	2 per frontage *	25	100	15
General retail & commercial in B1 & B2 Districts	Address/Identification/ Sales Promotion/Directional **	Wall, window, freestanding, awning	2 per frontage *	20	50	15
General Retail and commercial in B3 District	Address/Identification/ SalesPromotion/Directional **	Wall,window, freestanding, projecting, awning	2 per frontage*	25	200	30
Automobile dealership, hotel, motel in B3 District	Address/Identification/ Sales Promotion/Directional **	Wall, window, freestanding, projecting, awning	3 per frontage *	35	200	30
<b>INDUSTRIAL</b>						
Permitted uses within the LI,GE Districts	Address/Identification, Directional	Wall, window, freestanding	2 per frontage *	35	200	30

NOTE: Buildings with multiple business occupants who share a common entryway, e.g. shipping centers, shall be permitted one (1) joint identification sign in addition to signage permitted for the individual uses, as per the above regulations. Such joint identification signage shall meet the requirements of 28.08.06F.

\*Not more than one (1) of the permitted signs in CF, B, LI and GE Districts shall be a freestanding sign

\*\*In addition to the permitted signs above, businesses, offices and institutions in the B1 and B3 Districts shall be permitted not more than two (2) directional signs. Such directional signs shall be not more than three (3) feet in height and be not more than two (2) square feet in area. The location of such sign shall be not less than five (5) feet from the street right -of-way.

## **ARTICLE XXVIII**

### **LANDSCAPING**

#### **Section 28.01 Purpose**

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

#### **Section 28.02 Tree Preservation**

##### **A. Existing Tree Ordinance**

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

##### **B. Preservation of Wooded Areas**

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

#### **Section 28.03 Landscaping Screening**

##### **A. Screening of Service Areas**

For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where single and two-family residences are permitted uses. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

##### **B. Screening of Trash Receptacles**

For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located

in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. The use of year-round vegetation, such as pines and evergreens is encouraged.

**C. Additional Screening Requirements**

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

**D. Maintenance of Shrubbery and Hedges**

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

**Section 28.04 Landscape Materials**

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

- A. Quality** - All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- B. Deciduous Trees** - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in Chapter 907 of the Codified Ordinance, are prohibited.
- C. Evergreen trees** - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.

- D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.
- E. Vines - Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- F. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion nets, or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

## **ARTICLE XXIX**

### **PRIVATE SWIMMING POOLS**

#### **Section 29.01 Purpose and Applicability**

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

#### **Section 29.02 Private Swimming Pools**

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

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

#### **Section 29.03 Community Swimming Pools**

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

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

#### **Section 29.04 Zoning Permit Required**

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

## **ARTICLE XXX**

### **RESIDENTIAL FENCES AND HEDGES**

#### **Section 30.01 Definition**

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

#### **Section 30.02 Application**

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

#### **Section 30.03 Permit Required**

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

#### **Section 30.04 Height and Location**

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

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

## **Section 30.05 Prohibited Fences**

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

## **ARTICLE XXXI**

### **DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNAS**

#### **Section 31.01 Purpose**

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

#### **Section 31.02 Permit Required**

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

#### **Section 31.03 Contents of Permit**

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

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

## **Section 31.04 Approval of Permit**

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

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

## **Section 31.05 Location of Satellite Dish**

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

## **Section 31.06 Size and Height**

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

## **Section 31.07 Satellite Dish Support Structures**

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

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

### **Section 31.08 Violation and Penalty**

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

## **ARTICLE XXXII**

### **ADULT ENTERTAINMENT FACILITIES**

#### **Section 32.01 Purpose**

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

#### **Section 32.02 Definitions**

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

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

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

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

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

### **Section 32.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

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

## **Section 32.04 Location**

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

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

## **ARTICLE XXXIII**

### **DEFINITIONS**

#### **Section 33.01 Interpretation**

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

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

#### **Section 33.02 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“City” means the City of Washington Court House, Ohio.

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

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

“Condominium” means real property, portions of which are designated for separate unit ownership by the unit and the remainder of which is designated for common ownership by the unit owners.

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

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

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

“Multiple-family dwelling” or “multiple-family residence” means a building designed or used as a residence for three (3) or more families living independently and doing their own cooking therein.

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

“Two-family dwelling” or “two family residence” means a building designed for or occupied exclusively by two (2) families living independently.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Residence" - see "Dwelling".

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

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

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

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

“Spot Zoning” means the zoning of a small area (typically four (4) or five (5) lots or a minimum of three (3) acres that predominately benefits the property owner(s) and which is not harmonious, or cannot be made harmonious, with the surrounding neighborhood(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ORDINANCE NO. 34 - 90**

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

### Section 1.

#### Section 1.01 Purpose

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

### Section 2.

#### Section 1.02 Interpretation and Applicability

##### 1.02.01 Interpretation and Consistency

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

##### 1.02.02 Provisions Cumulative

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or 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.

#### 1.02.03 Applicability

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

### SECTION 3.

#### Section 1.03 Separability

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

### SECTION 4.

#### Section 1.04 Repeal of Existing Ordinance

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

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

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

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

### SECTION 5.

#### Section 1.05 Effective Date

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