

ZONING RESOLUTION



WAYNE TOWNSHIP, KNOX COUNTY, OHIO

ADOPTED: April 11, 2019

EFFECTIVE: May 11, 2019

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

WAYNE TOWNSHIP VILLAGE OFFICIALS

BOARD OF TRUSTEES

Lewis Canter
Richard Yarman
James Braddock

FISCAL OFFICER

Diane Randall

ZONING INSPECTOR

Ashton Walls

ZONING COMMISSION

Mark Dumbaugh
Mitch Bryant
Mark Overholt
Joe Cochran
Jeff Levering

BOARD OF ZONING APPEALS

Scott Randall
Brian Tucker
Trent Randall
Bill Levering
Chuck Boone

Latest amendments of the Wayne Township Zoning Resolution were facilitated by:

Plan 4 Land, LLC
Joe Clase, AICP & Ben Henson, AICP
10 West North Street, P.O. Box 215, Ostrander, Ohio 43061
www.plan4land.net

DISCLAIMER: The text of the Zoning Resolution shall prevail when a conflict occurs with illustrations or the appendices of this document which are included for quick reference only and shall not be considered a part of the governing document. The above listed officials are included to memorialize those involved at the time of adoption and are not intended to represent the currently elected and appointed officials.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

RESOLUTION OF ADOPTION

WHEREAS, the voters of Wayne Township, Knox County, Ohio approved the Township Zoning Resolution in a General Election, in accordance with Ohio Revised Code §519; and

WHEREAS, the Board of Trustees of Wayne Township have determined it necessary to update the Zoning Resolution to promote the public health, safety, comfort and general welfare of the community, to conserve and protect property and property values, to secure the most appropriate use of land and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan; and

WHEREAS, the Board of Trustees of Wayne Township find it necessary and advisable to regulate the location, area, number and size of dwellings, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land and for such purposes dividing the area as are deemed best suited to carry out said purpose, providing a method of administration, and proceedings for the administration and enforcement of the Zoning Resolution; and

WHEREAS, five (5) persons have been duly appointed by the Board of Trustees of Wayne Township to serve as a Zoning Commission for said Township; and

WHEREAS, said Zoning Commission has recommended revisions to the Wayne Township Zoning Resolution on March 5, 2019 and has submitted such amendments to the Board of Trustees of Wayne Township under authority and in accordance with the provisions of §519.12 of the Ohio Revised Code.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF WAYNE TOWNSHIP, KNOX COUNTY, STATE OF OHIO, hereby adopt the revised Zoning Resolution on April 11, 2019 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective May 11, 2019; and

FURTHERMORE, all Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with provisions are hereby repealed to the extent necessary to give the Zoning Resolution full force and effect.

Adopted this 11th day of April, 2019

Attest: Deane S. Cardall, Fiscal Officer
WAYNE TOWNSHIP BOARD OF TRUSTEES
Wayne Township, Knox County, Ohio

Effective as of this 11th day of May, 2019

ZONING RESOLUTION

Wayne Township, Knox County, Ohio



ZONING RESOLUTION

Wayne Township, Knox County, Ohio

TABLE OF CONTENTS

WAYNE TOWNSHIP VILLAGE OFFICIALS.....2

RESOLUTION OF ADOPTION3

TABLE OF CONTENTS5

ARTICLE I – INTRODUCTION7

ARTICLE II – EXEMPTIONS FROM RESOLUTION 9

ARTICLE III – NON-CONFORMING USES & LOTS11

ARTICLE IV – GENERAL REGULATIONS 13

ARTICLE V – DISTRICTS AND GENERAL PROVISIONS..... 15

ARTICLE VI – AGRICULTURAL - RESIDENTIAL DISTRICT (AG-R) 17

ARTICLE VII –PLANNED UNIT DEVELOPMENT OVERLAY (PUD)..... 21

ARTICLE VIII – GENERAL BUSINESS DISTRICT (B-1).....27

ARTICLE IX – LIGHT MANUFACTURING DISTRICT (M-1)..... 29

ARTICLE X – SPECIAL PROVISIONS..... 31

 CEMETERIES – CONDITIONAL USE..... 31

 EXTRACTION OF MINERALS – CONDITIONAL USE..... 31

 HOME OCCUPATION – PERMITTED USE.....33

 HOME OCCUPATION – CONDITIONAL USE 34

 PONDS & WATER IMPOUNDMENTS – PERMITTED USE.....35

 RELIGIOUS LAND USES – PERMITTED USE..... 36

 SEXUALLY ORIENTED BUSINESSES – CONDITIONAL USE..... 36

 SOLAR PANELS – PERMITTED USE..... 49

 TEMPORARY HOUSING – CONDITIONAL USE 49

 WIND TURBINES – PERMITTED USE 50

ARTICLE XI – PARKING & PAVEMENT STANDARDS53

ARTICLE XII – SIGNAGE STANDARDS 59

ARTICLE XIII – LANDSCAPING & FENCE STANDARDS 71

ARTICLE XIV – ZONING ADMINISTRATION73

ARTICLE XV – ELECTED OFFICIALS77

ARTICLE XVI - BOARD OF ZONING APPEALS..... 79

ARTICLE XVII - ZONING COMMISSION 85

ARTICLE XVIII - AMENDMENTS OR SUPPLEMENTS..... 87

ARTICLE XIX – DEFINITIONS 91

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE I – INTRODUCTION

- 1.0 **TITLE:** The Zoning Resolution shall be known and may be cited and referred to as the "Zoning Resolution of Wayne Township, Knox County, Ohio".
- 1.1 **PURPOSE:** The Zoning Resolution of the Township of Wayne, Knox County, Ohio, enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan and the provisions of Chapters 519.01 – 519.99 of the Ohio Revised Code.
- 1.2 **SCOPE:** The Board of Trustees of Wayne Township finds it necessary and advisable to regulate the location, bulk, number of stories and sizes of buildings and other structures, percentages of lot areas which may be occupied, set-back lines, sizes of yards, courts and other open spaces, providing for adequate light, air, the density of population, the uses of buildings and other structures including mobile homes and the uses of land for trade, industry, residence, recreation, or other purposes and for such purposes divide the unincorporated area of the Wayne Township into districts or zones. All in accordance with a comprehensive plan for the desirable future development of Wayne Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described in the Zoning Resolution -- All as authorized by the Ohio Revised Code.
- 1.3 **REQUIREMENTS AS MINIMUMS:** In their interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, and general welfare. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rule or regulation, other than zoning regulations, adopted or issued pursuant to law relating the construction and use of buildings or premises. Where the zoning resolution imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, deed restrictions or agreements, the provisions herein shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed herein.
- 1.4 **SEPARABILITY CLAUSE:** Should any section or provision of the Zoning Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

- 1.5 VALIDITY: Each section, subsection, provision, requirement, regulation or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any cause to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Zoning Resolution or amendments or supplements thereto as a whole or any other part thereof except the particular part so declared to be invalid.

- 1.6 RELIEF: Nothing in the Zoning Resolution shall be interpreted to prevent any individual from seeking relief from the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE II – EXEMPTIONS FROM RESOLUTION

2.0 EXEMPTIONS: Structures and land uses within Wayne Township must be compliant with the regulations of the Zoning Resolution with the following exceptions and no zoning permit shall be required for structures incidental for such use(s):

- 1) Agriculture, provided agricultural uses on less than five (5) acres meet the following standards, unless otherwise permitted:
 - a) No noxious, dangerous, or offensive agricultural use shall be permitted, by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration, and providing any such use does not constitute an annoyance to the surrounding property owners;
 - b) Agricultural structures shall meet required setbacks and no animals, except household pets, shall be kept in a building located less than fifty (50) feet from any neighboring lot line or road; and
 - c) No more than two (2) large animal, over 200 pounds in current body weight, shall be permitted per whole acre in property area.

- 2) An agricultural roadside stand, for the purpose of selling seasonal agricultural goods, is permitted in any district. Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of a least four (4) vehicles and to permit vehicles to enter and exit the public right-of-way in a forward facing direction.

- 3) The following standards apply to accessory agricultural farm market uses:
 - a) Size of structures. Agricultural farm market structures shall not be greater than ten thousand (10,000) square feet in gross floor area.
 - b) Parking areas. Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of one (1) vehicle per two-hundred (200) square feet of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
 - c) Setbacks for buildings. Buildings shall comply with applicable zoning regulations of the district.
 - d) Access. Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.

- 4) The following standards apply to accessory agritourism uses:
 - a) Parking areas. Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

- permit parking of one (1) vehicle per two-hundred (200) square feet of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
- b) Setbacks for buildings. Buildings shall comply with applicable zoning regulations of the district.
 - c) Access. Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.
- 5) Essential services shall be permitted as authorized and regulated by other laws.
- 6) Public utilities or railroads.
- 7) Height limitations shall not apply to:
- a) Church spires;
 - b) Belfries;
 - c) Cupolas;
 - d) Domes, not intended for human occupancy;
 - e) Monuments;
 - f) Water towers;
 - g) Transmission towers;
 - h) Chimneys;
 - i) Smoke stacks;
 - j) Derricks
 - k) Conveyors;
 - l) Flagpoles;
 - m) Radio towers;
 - n) Masts; and
 - o) Aerials.
- 8) A two (2) feet encroachment into any required setback is permitted for:
- a) Architectural projections above the foundation, such as eaves, gutters, bay windows; and
 - b) Window wells.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE III – NON-CONFORMING USES & LOTS

- 3.1 **EXISTING NON-CONFORMING USES:** A non-conforming use existing at the time the zoning resolution or amendment takes effect may be continued, although such use, building or structure does not conform with the provisions of the Zoning Resolution for the district in which it is located.
- 3.2 **NON-CONFORMING USES OR STRUCTURES -- ENLARGEMENT, SUBSTITUTIONS, ETC.:** A building or structure devoted to a non-conforming use at the time the Zoning Resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.
- 1) **SUBSTITUTIONS:** Furthermore a different non-conforming use may not be substituted for another non-conforming use existing on the effective date of the Zoning Resolution.
 - 2) **NON-CONFORMING USE MADE TO CONFORM:** Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.
- 3.3 **DISCONTINUANCE OF A USE:** A use that is discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
- 3.4 **CONSTRUCTION STARTED -- NON-CONFORMING USE:** Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of the Zoning Resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after the zoning takes effect.
- 3.5 **REPLACING DAMAGED BUILDINGS:** Any building or structure existing as a non-conforming use at the time the zoning Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction.
- 3.6 **REPAIRS AND MAINTENANCE:** Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, providing that the cubic content existing when it became non-conforming shall not be increased.
- 3.7 **LOT OF RECORD:** When a lot is an official lot of record at the time of adoption of the Zoning Resolution does not comply with the area, yard, or other requirements of the Zoning Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are compliant.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE IV – GENERAL REGULATIONS

- 4.0 COMPLIANCE WITH REGULATIONS: No buildings shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements of the Zoning Resolution for the district in which such building is located.
- 4.1 TRAFFIC VISIBILITY ACROSS CORNER LOTS: On any corner lot, no fence, structure, sign, or planting, shall be erected or maintained near the intersection such that it impairs safe driver visibility.
- 4.2 OFF-STREET PARKING AND LOADING: In any district providing for off-street parking and loading spaces, it shall be provided in accordance with the provisions of Article XI.
- 4.3 SIGNAGE: In any district providing for signage, it shall be provided in accordance with the provisions of Article XII.
- 4.4 LANDSCAPING & SCREENING: In any district landscaping and screening shall be provided in accordance with the provisions of Article XIII.
- 4.5 UNSAFE BUILDINGS: Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.
- 4.6 VACATED STREET OR ALLEY: Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulation of the extended district or districts.
- 4.7 SANITARY SYSTEM AND WATER SUPPLY: All properties must show and receive the approval of the Knox County Health Department for the design, location, and capacity of the sanitary system and method of water supply.
- 1) Water system and sanitary sewer facilities, whether community or individual, must be approved by the County of Knox and/or State of Ohio Health Department and certificate posted.
- 4.8 PERMIT REQUIRED: No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

use without a permit therefore issued by the Zoning Inspector (excluding buildings incident to agricultural purposes.) Application shall be made to the Township Zoning Inspector, per Section 14.3 herein and Ohio Revised Code, Section 519.17.

4.9 PERFORMANCE STANDARDS: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

- 1) FIRE HAZARDS: Any activity involving the use of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- 2) RADIOACTIVITY OR ELECTRICAL DISTURBANCES: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 3) NOISE: Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- 4) VIBRATION: No vibration shall be permitted which is discernible on any adjoining lot or property.
- 5) SMOKE: Smoke shall be controlled as much as economically possible.
- 6) ODORS: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- 7) AIR POLLUTION: No pollution of air by fly ash, dust, vapor, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
- 8) GLARE: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- 9) EROSION: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 10) WATER POLLUTION: Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE V – DISTRICTS AND GENERAL PROVISIONS

5.0 **DISTRICTS:** The Township is hereby divided into three (3) standard districts, and one (1) overlay district known as:

- Ag-R Agricultural/Residential District
- PUD Planned Unit Development Overlay District
- B-1 General Business District
- M-1 Light Manufacturing District

5.1 **ZONING MAP:** The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries, and other information shown thereon, shall be part of these regulations. The Zoning Map, properly attested shall be and remain on file in the office of the Fiscal Officer.

5.2 **DISTRICT BOUNDARIES:** The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such street, alley, or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such is otherwise indicated on the map. In case of sub-divided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE VI – AGRICULTURAL - RESIDENTIAL DISTRICT (AG-R)

6.0 PUPOSE: The purpose of the Agricultural-Residential District is to provide an area for agricultural pursuits and residential uses protected from infringement or unguided urban development; and to conserve areas physically unsuitable for intensive development.

6.1 PERMITTED USES:

- 1) One-family and two-family residential dwellings (one residential structure per parcel).
- 2) Home Occupations, as permitted in Article X.
- 3) Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.
- 4) Forest and wildlife preserves.
- 5) Wind turbines, as regulated in Article X.
- 6) Accessory buildings and uses, including indoor storage of personal property.
- 7) Unlighted signs notifying of sale, rental, or lease of land or sale of farm goods on the premises, or advertising a permitted home occupation on which the sign is maintained having not over six (6) square feet of sign area; signs announcing meeting time and place of civic organizations subject to the provisions of Article XII.
- 8) Planned Unit Developments (PUDs), as regulated in Article VII.
- 9) Religious land uses, churches and other places of worship as regulated by Article X.
- 10) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- 11) Foster homes provided such homes comply with all appropriate state and local agency licensing requirements.
- 12) Adult Family Homes, as provided for in Ohio Revised Code Section 3722 for the care of three (3) to five (5) unrelated adults.
- 13) Child Day Care provided in home for six (6) or fewer children who are not members of the immediate resident Family provided the Day Care is accessory to the Use of the Dwelling as the provider's residence and further provided that such Day Care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- 14) Pond & Water Impoundments, as regulated in Article X.

6.2 CONDITIONAL USES:

- 1) Temporary Housing, including a recreational vehicle or motor home, garage, basement or other structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be permitted for more than twelve (12) months, as regulated in Article X.
- 2) Extractions of materials, including quarrying and removing of natural resources, as regulated in Article X.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 3) Cemeteries, as regulated in Article X).
- 4) Recreational uses, including, but not limited to golf courses.
- 5) Mobile Homes, as regulated in Article X.
- 6) Home Occupations, as regulated in Article X.
- 7) Bed and breakfasts.
- 8) Veterinarian.
- 9) Event centers, including, but not limited to catering halls.
- 10) Slaughter houses.
- 11) Breweries and distilleries.
- 12) Any use determined by the Board of Zoning Appeals to be substantially similar to a permitted use in this district.

6.3 **REQUIRED LOT AREA:** The following defines the minimum standards for lot area and width to depth ratio.

Minimum Lot Area	One (1) acre
Minimum Lot Depth to Width Ratio	3:1, if under 270 feet of frontage
Minimum Lot Frontage & Width	175 feet

6.4 **HEIGHT REGULATION IN THE AG/RESIDENTIAL DISTRICT:** No dwelling shall exceed 2 1/2 stories or 35 feet in height.

6.5 **MINIMUM SETBACKS:** The following standards apply to all buildings and structures (principal & accessory):

- 1) Front Yard:
 - a) 120 feet from centerline of pavement on the closest lanes of state highway
 - b) 80 feet from centerline of pavement of other roadways
- 2) Side Yard - 20 feet (each side)
- 3) Rear Yard - 20 feet
- 4) Corner and double-frontage lots shall provide the minimum front yard requirements on each side of the lot with road frontage.
- 5) Unless otherwise permitted, a setback of fifty (50) feet shall be maintained from any road right-of-way

6.6 **REQUIRED FLOOR AREA:** Any building intended in whole or in part for residential purposes shall provide a minimum floor area of living space as specified:

- 1) Single Family Dwelling – 1,400 square feet (except for a temporary mobile home).
- 2) Two-Family Dwelling, one bedroom per unit - 750 square feet per unit; add 120 square feet for each additional bedroom beyond one (1).
- 3) Dwelling must be at least 20 feet wide and placed on one of the following types of foundations:

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- a. Basement;
- b. Concrete slab, minimum of four (4) inches thick with footers full perimeter; and
- c. Cement block pillars set on concrete, thirty (30) inches or below frost line, placed at least every eight (8) feet on center.

6.7 PROHIBITED USES: Any uses not listed as permitted or conditional are prohibited, including but not limited to the following uses deemed to constitute a nuisance and not permitted in any district unless specifically specified:

- 1) Bulk petroleum station with tanks above ground.
- 2) Distilling of bones, fat or glue, glue or gelatin manufacturing.
- 3) Manufacture, storage or sales of explosives, gun powder or fireworks.
- 4) Dumping, storing, buying, reducing, disposing of, or burning garbage, except for normal residential use; refuse, scrap metal, rubbish, offal of dead animals, except such as results from normal use unless such dumping is done at a place of premises provided by the Board of Trustees for such specific purpose.
- 5) Commercial aviation fields.
- 6) Race tracks, except a race track that is part of a fairgrounds.
- 7) Mobile home parks, tourist camps, campgrounds, cabins for transient use.
- 8) Junk yards, automobile graveyards, auto storage, junk motor vehicles.
- 9) Manufactory of fertilizer.
- 10) Dumping industrial chemicals, toxic waste, or radioactive materials.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE VII –PLANNED UNIT DEVELOPMENT OVERLAY (PUD)

7.0 APPLICABILITY: Pursuant to Section 519.021(C) of the Ohio Revised Code, the Planned Unit Development Overlay, abbreviated PUD, is created to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development, for qualified properties in the Agricultural/Residential District (AG-R). The zoning regulations there under shall continue to apply to all such property unless the Zoning Commission approves an application of an owner of property to subject the owner's property to the provisions of the PUD.

7.1 DESIGN PROCESS & GUIDELINES: Development in this district shall promote conservation style designed development where open space is provided throughout the development and designed with the following design features:

- 1) Dwellings should generally be located along the edges of fields, as seen from existing public roads, rather than in the center to reduce visual impact;
- 2) Eighty-five (85) percent or more of all house lots should abut open space;
- 3) Retain or replant native vegetation adjacent to wetlands and surface waters;
- 4) Preserve existing hedge and tree lines;
- 5) Preserve scenic views and vistas;
- 6) Avoid new construction on prominent hilltops or ridges;
- 7) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources;
- 8) Preserve historic or archaeological sites (i.e. earthworks, burial grounds);
- 9) Front dwellings on internal roads, not on external roads;
- 10) Landscape or retain vegetation in common areas with native trees and shrubs;
- 11) Provide active recreational areas in suitable locations;
- 12) Include a viable pedestrian circulation system; and
- 13) Protect natural drainage swales and creeks. No construction of buildings inside the one hundred (100) year floodplain.

7.2 APPLICATION PROCEDURE: The application process shall involve two (2) required steps:

- 1) A map of existing features for the tract(s) of land to the Zoning Commission and schedule an agreeable time to jointly visit the site for an on-on-site walkabout. The applicant and the Zoning Commission shall walk the site, at which time the primary and secondary conservation areas to be saved shall be identified. At the completion of the on-site walkabout or shortly thereafter a very conceptual Development Plan should be published by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-on-site walkabout. Based upon such comments, a formal Development Plan can be prepared for public hearing.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 2) The applicant shall then prepare and submit a formal application and Development Plan, with ten (10) copies and fees, to the Zoning Commission who shall schedule a public hearing. Abutting landowners within five hundred (500) feet of the subject tract shall be notified. The Township Zoning Commission's review is administrative; no Zoning Map amendment is required. The Final Development Plan shall include a detailed development plan and development text highlighting proposed development standards and other information, as may be required by the Zoning Commission.

7.3 **PUBLIC HEARING:** The Zoning Commission shall hold a public hearing on the request within a reasonable period of time after receipt of the application, Final Development Plan and submission of fees.

7.4 **STANDARDS FOR APPROVAL:** The Zoning Commission shall approve the application and Development Plan provided it finds that:

- 1) The proposed use complies with all purposes, requirements and standards established in this Zoning Resolution and that any divergence is warranted by the design and amenities incorporated in the Development Plan;
- 2) The design preserves and protects primary conservation areas, and adequately provides useable open space in secondary conservation areas;
- 3) The proposed use is in accord with applicable plans or policies for the area;
- 4) The proposed development will be adequately served by essential public facilities and services such as roads, walks, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
- 5) The proposed development is in keeping with the existing land use character and physical development potential of the area. In approving the application and Final Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this Zoning District.

7.5 **SUBDIVISION PLAT:** No zoning certificate shall be issued for any structure in any portion of a development until the final subdivision plat for that portion is recorded with the Knox County Recorder.

7.6 **MODIFICATIONS:** No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless approved by the Zoning Commission. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

7.7 **ZONING CERTIFICATE:** After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

exceed three (3) years or that period approved in the Final Development Plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

7.8 DEVELOPMENT PLAN STANDARDS: The following are standards for developments in this Zoning District:

- 1) The following principal uses shall be permitted:
 - a) Single family detached dwellings; attached two (2) and three (3) family dwellings;
 - b) Parks and open space;
 - c) Recreation facilities, provided they are accessory to the development; and
 - d) Commercial development, provided it is pedestrian-friendly and less than ten percent (10%) of the project area.
- 2) Minimum tract size: thirty (30) acres.
- 3) Open Space: At least fifty (50) percent of the gross tract acreage shall be designated as permanent open space, not to be further subdivided.
- 4) Gross density shall be limited to no more than 0.75 dwelling units per one (1) acre of platted land.
- 5) Sewage Disposal: For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the Knox County Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.
- 6) Perimeter Setback: No building shall be constructed within fifty (50) feet of the external boundary of the subdivision.
- 7) Storm Water: No features shall be designed which are likely to cause erosion or flooding.
- 8) Subdivision Standards: Street and drainage improvements shall conform to the subdivision standards for Knox County, Ohio.
- 9) Paths: Sidewalks or walking paths may be required for subdivisions of more than fifteen (15) lots. Sidewalks/paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Zoning Commission may require paved/unpaved walkways to connect residential areas and open spaces.
- 10) Street Trees: Deciduous, broad leaf street trees with a minimum caliper of two inches (2") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- 11) Minimum Front Setbacks: dwelling units shall be set back forty (40) feet from the road Right-of-Way. Front load garages shall be setback at least ten (10) feet behind the front setback line of the dwelling unit or may be flush with the dwelling unit front if the dwelling unit sets back at least fifty (50) feet from the road Right-of-Way. Side load garages shall be setback at least forty (40) feet from the road Right-of-Way.
- 12) Minimum Lot Size: Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 13) Minimum Lot Width at the Front Setback Line: One hundred (100) feet for single family detached dwelling units on fee simple ownership lots.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 14) Minimum Side Yards: Fifteen (15) feet each side, with no encroachments, including chimneys, air conditioning units, etc., for single family detached dwellings on fee simple ownership lots. In all other cases, the minimum separation between buildings containing dwelling units shall be thirty (30) feet.
- 15) Driveway Setbacks: Two (2) feet from side lot line. Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 16) Minimum Rear Yard: Fifteen (15) feet for single family detached dwellings on fee simple ownership lots and attached garages and accessory buildings. Attached units or detached condominiums as approved per the Final Development Plan.
- 17) Building Height Requirement: No principal building in this Zoning District shall exceed thirty-five (35) feet in height.
- 18) Minimum Dwelling Unit Floor Area: Fourteen hundred (1,400) square feet per dwelling unit.
- 19) Lighting: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this might be accomplished are fully shielded cut-off fixtures directing light fixtures downward cast rather than upward cast and shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance. All outdoor light pole fixtures shall not exceed a maximum height of ten (10) feet measured from the finished grade established not closer than fifteen (15) feet to the pole.
- 20) Landscaping: A landscape plan for the common open space and streetscape within road Right-of-Way shall be prepared showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the Final Development Plan to demonstrate compliance with Article XIII.
- 21) Parking: Off-street parking shall be provided at the time of construction of each principal structure or building, with adequate provisions for ingress and egress in accordance with the Development Plan. Off-street parking shall otherwise comply with Article XI. Each residential unit shall have a minimum two-car garage.
- 22) Signs: All signs shall be in accordance with Article XII.
- 23) Other Requirements: Unless specifically supplemented by the standards, the development shall comply with the requirements of this Zoning District.

7.9 SUPPLEMENTAL CONDITIONS AND SAFEGUARDS: The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of open space (whether improved common open space or natural open space), and any other pertinent development characteristics.

7.10 DIVERGENCES: The Zoning Commission, as a part of Development Plan approval, may grant divergences from any standard or requirement in this Section with the exception

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan”.

- 7.11 EXTENSION OR MODIFICATION OF FINAL DEVELOPMENT PLAN: An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission provided the Zoning Commission finds that such extension is not in conflict with public interest. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this Zoning District.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE VIII – GENERAL BUSINESS DISTRICT (B-1)

8.0 PURPOSE: The purpose of the B-1, General Business, District is to provide for a wide range of retail facilities and services of such a nature that they will be fully compatible and will not adversely affect the adjacent agricultural and residential land uses.

8.1 PERMITTED USES:

- 1) Any “permitted uses” in an Ag/Residential District.
- 2) Major retail outlets, including furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
- 3) Food, drug and beverage, including Grocery and convenience stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales and restaurants.
- 4) Specialty shops, including Gift shops, stationery outlets, arts and crafts, florist shops, camera and photography shops, and sporting goods.
- 5) Service Businesses with not more than ten (10) employees, including and limited to the following: laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shops, multi-unit storage facilities.
- 6) Business & Professional Offices.
- 7) Accessory Uses or Buildings.
- 8) Business and advertising signs pertaining to the business on the property on which the sign is located provided that:
 - a) Illumination of all signs shall be diffused so as not to reflect rays of light into adjacent residential districts or into the public way; and
 - b) That any sign located in the direct line of vision of traffic control devices shall not have flashing intermittent red, green, or amber illumination.

8.2 CONDITIONAL USES: The purpose of the Conditional Use provision is to provide for those retail businesses and services which require a location other than in a centralized business district being either highway oriented, requiring larger tracts of land not normally available, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

- 1) Any “conditional use” permitted in the Ag/Residential District.
- 2) Building trades or equipment: Building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on the premises).
- 3) Vehicle drive-in and heavy vehicle services: Drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities, large item machinery or bulk sales and storage not including outdoor unfenced storage.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 4) Heavy service and processing facilities, included and limited to laundry and dry cleaning plants, linens, towels, diaper and similar supply services, animal shelters, frozen food lockers, seed and food processing plants, dairies.
- 5) Retail and Service Businesses, including amusement and recreational businesses. Such must be compatible with the stated purpose of the B-1, General Business District, and not have a greater impact upon land values, land uses, parking and traffic patterns than the specifically permitted uses in this district.
- 6) Automotive and related uses: New and used car sales, service and repair shops, gasoline service stations, and motorcycle and bicycle sales and repair shops.
- 7) Bulk storage of petroleum.
- 8) Any use determined by the Board of Zoning Appeals to be substantially similar to a permitted use in this district.

8.3 RESIDENTIAL USES: Each residential use to be accommodated in the B-1 District shall meet the minimum lot area, width and depth requirements of the Ag/Residential District.

8.4 BUILDING HEIGHT REGULATION:

- 1) General business uses: In the B-1 District, no building shall exceed two (2) stories or 30 feet in height, except as provided in Article XXI.
- 2) Residential use: Each residential use to be accommodated in the B-1 District shall meet the height regulation of the Ag-Residential District.

8.5 MINIMUM SETBACKS: The following standards apply to all buildings and structures (principal & accessory):

- 1) Front Yard
 - a) 120 feet from centerline of pavement of closest lanes of state highway
 - b) 80 feet from centerline of pavement of other roadways
- 2) Side Yard - 20 feet
- 3) Rear Yard - 20 feet
- 4) Corner and double-frontage lots shall provide the minimum front yard requirements on each side of the lot with road frontage.
- 5) Unless otherwise permitted, a setback of fifty (50) feet shall be maintained from any road right-of-way

8.6 PROHIBITED USES: Any use not specifically listed as permitted or conditionally permitted.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE IX – LIGHT MANUFACTURING DISTRICT (M-1)

9.0 PURPOSE: The purpose of the M-1, Light Manufacturing, District is to provide for commercial uses, storage, and those manufacturing uses not morally creating a nuisance discernible beyond its property.

9.1 PERMITTED USES:

- 1) Any “permitted use” in the B-1, General Business, District except residential uses.
- 2) Warehousing and storage: Indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage. However, not including junk yards or similar uses.
- 3) Manufacturing: Manufacture or processing of small items including gloves, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, textile products manufacture, electronic components, glass, cement, and stone products; manufacture or processing including canning, freezing, and storage and bottling.
- 4) Contractors equipment storage yard or plant, retail or equipment commonly used by contractors.
- 5) Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot lines. Such use shall not be established without an affidavit attached to the application for a building use permit by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration, or noise.

9.2 CONDITIONAL USES: All uses not otherwise prohibited by law, except residential uses, or any other use which would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property but not beyond the limits of the Light Manufacturing District, as stated in 9.0 and as shown on the Township Zoning Map.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district excluding retail and service businesses, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that general hazard or nuisance affects a large segment of the community.

9.3 REQUIRED LOT AREA AND LOT WIDTH: Each use to be established in the M-1 District shall provide a minimum lot area of one (1) Acre and a minimum road frontage and lot width of one hundred seventy-five (175) feet.

9.4 BUILDING HEIGHT REGULATION: No building in the M-1 District shall exceed 50 feet in height.

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

- 9.5 MINIMUM SETBACKS: The following standards apply to all buildings and structures (principal & accessory):
- 1) Front Yard
 - a) 120 feet from centerline of pavement of closest lanes of state highway
 - b) 80 feet from centerline of pavement of other roadways
 - 2) Side Yard - 25 feet
 - 3) Rear Yard - 25 feet
 - 4) When adjacent to a residential zoning district or use, a one-hundred (100) feet setback and a fifty (50) feet wide greenspace is required along such property line(s).
 - 5) Corner and double-frontage lots shall provide the minimum front yard requirements on each side of the lot with road frontage.
 - 6) Unless otherwise permitted, a setback of fifty (50) feet shall be maintained from any road right-of-way

- 9.6 PROHIBITED USES: Any use not specifically listed as permitted or conditionally permitted.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE X – SPECIAL PROVISIONS

The following uses defined in Article X are specifically regulated with the following regulations and criteria for operation.

CEMETERIES – CONDITIONAL USE

- 1) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall not be on a dead-end road or cul-de-sac.
- 2) Any new cemetery shall be located on a site containing not less than ten (10) acres.
- 3) Internment shall not be within three hundred (300) feet of a Dwelling, unless the owner of such Dwelling gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code, Section 1721.03.
- 4) A mausoleum shall not be within three hundred (300) feet of any property line.
- 5) A crematory or other Structure shall not be within one thousand (1,000) feet of any property line.
- 6) Every Cemetery company or association shall cause a plat of its grounds and of the Lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with Ohio Revised Code, Section 1721.09.
- 7) All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.
- 8) Nothing herein shall prohibit burial of ones own domestic pets in a cemetery or on personal property.

EXTRACTION OF MINERALS – CONDITIONAL USE

- 1) GENERAL REQUIREMENTS: Any owner, lessee or other person, firm, or corporation having an interest in mineral lands, in any district may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he/she shall comply with all requirements of the District in which said property is located, and with the following additional requirements.
 - a) Distance from Property Lines: No quarrying operation shall be carried on or any stockpile placed closer than 100 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirements may be reduced to 25 feet by written consent of the owner/owners of the abutting property.
 - b) Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of right-of-way.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- c) Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board of Zoning Appeals.
- d) Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
- e) Processing: The crushing, washing, and refining or other similar processing shall not be in conflict with the use regulations or the District in which the operation is located.
- 2) APPLICATION - FINANCIAL ABILITY: In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.
- 3) APPLICATION - CONTENTS, PROCEDURE: An application for such operation shall set forth the following information:
 - a) Name of the owner or owners of land from which removal is to be made.
 - b) Name of the applicant making the request for such permit.
 - c) Name of the person or corporation conducting the actual removal operation.
 - d) Location, description, and size of the area from which removal is to be made.
 - e) Location of processing plant used.
 - f) Type of resources or materials to be removed.
 - g) Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - h) Description of equipment to be used.
 - i) Method of rehabilitation and reclamation of the mined area.
- 4) PUBLIC HEARING: Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article XVI.
- 5) REHABILITATION: To guarantee the restoration, rehabilitation, and reclamation of mined out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township in an amount of not less than \$1,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:
 - a) Surface Rehabilitation: All excavations shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
 - i) That the excavated area shall not collect and permit to remain there stagnant water; or
 - ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary as to reduce the peaks and depressions thereof--so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- b) Vegetation: Vegetation shall be restored by appropriate seeds or grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinafter provided.
- c) Banks of Excavation not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical and said bank shall be seeded.
- 6) **ADDITIONAL REQUIREMENTS:** In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. The said conditions and amount of the performance bond shall be determined by the Board prior to issuance of the permit.
- 7) **GAS AND OIL WELLS:** In any and all districts of the Township, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:
 - a) Compliance with all applicable laws of the State of Ohio.
 - b) Surety Bond in the amount of \$20,000 has been obtained and is attached to the drilling permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to the streets, pavements, curbs, gutters, sidewalks, waterlines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Fiscal Officer until released or reduced and released by the Board of Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.
 - c) No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

HOME OCCUPATION – PERMITTED USE

A home occupation is permitted in districts, as specified, if they meet all of the following conditions, without exception:

- 1) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- 2) No person or persons, other than the owners of the premises shall operate a Home Occupation;
- 3) Not more than one on-site worker in addition to the owner shall be employed in a Home Occupation;
- 4) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 5) Not more than twenty percent (25%) or five hundred (500) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation;
- 6) Home Occupations shall not be permitted in any Accessory Building within any District, though accessory buildings may be used for the parking of vehicles affiliated with the Home Occupation;
- 7) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located;
- 8) Goods or services sold directly to customers on the premises, limited to two (2) customers vehicles at a time, which must be parked entirely outside of the road right-of-way;
- 9) Traffic generated by the home occupation shall in no case be in a greater volume than would normally be expected in a residential neighborhood;
- 10) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- 11) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
- 12) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.
- 13) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations; and
- 14) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

HOME OCCUPATION – CONDITIONAL USE

A person may apply for a Conditional Use Permit for a Home Occupation that does not comply with the requirement of a Home Occupational Permitted Use. The criteria for the issuance and maintenance of such a permit for a Home Occupation are as follows:

- 1) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- 2) There shall be no more than two (2) non-residential on-site employees or volunteers to be engaged in the proposed Use, in addition to the owners;
- 3) Retail sales may be permitted within a single accessory building on-site if they are incidental and relative to the Home Occupation;
- 4) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a single accessory building and not visible from the road or any another surrounding property;

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 5) Not more than thirty-five (35%) of the residence and/or twenty-five percent (25%) of any one accessory building shall be devoted to the proposed Home Occupation;
- 6) The external appearance of the Structure and premises in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than twenty (20) square feet which shall be either mounted flush to the wall of the Structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the appllcatlon;
- 7) Minor or moderate Alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed Use but there shall be no additional square footage added to the home for the home occupation;
- 8) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- 9) No more than four (4) additional parking places [six (6) total] may be proposed in conjunction with the Home Occupation, which must meet parking standards and shall not be located in a required Front Yard. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;
- 10) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
- 11) Inspected and demonstrated compliance of all structures and driveways which are to be occupied by the Home Occupation;
- 12) A storm water management plan must be submitted with approval of appropriate county and/or state agencies, unless waived by the Board of Zoning Appeals;
- 13) A landscaping and screening plan indicating all existing and proposed plantings, unless waived by the Board of Zoning Appeals;
- 14) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
- 15) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- 16) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

PONDS & WATER IMPOUNDMENTS – PERMITTED USE

Ponds or other water impoundments may be excavated as a permitted use in any Zoning District provided the following standards are met:

- 1) NRCS: The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 2) **SETBACKS:** Eighty (80) feet from road centerline of pavement to high water mark and thirty (30) feet from high water mark to side and rear lot lines. The pond outlet must be designed not to encroach on adjacent property.
- 3) **LOT SIZE:** The minimum lot size for a property to contain a pond is three (3) acres.
- 4) **REQUIRED OUTLET:** The pond outlet must be designed not to encroach on adjacent property.
- 5) **POND MINIMUM SIZE:** All ponds should be a minimum of one-quarter (1/4) of an acre in size.
- 6) **CONSTRUCTION:** All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.

RELIGIOUS LAND USES – PERMITTED USE

The following standards shall apply to the development and construction of churches and other similar uses:

- 1) The lot area shall be adequate to accommodate the required off-street parking space requirements. In no event shall parking be permitted on adjacent streets or within a street right-of-way.
- 2) The church shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire or minimum district setback requirements, whichever is larger.
- 3) The church lot shall be accessible to a major arterial street in a manner that does not require the passage of traffic through local residential streets.
- 4) One single-family accessory living quarters may be provided on the church lot, unless otherwise restricted.

SEXUALLY ORIENTED BUSINESSES – CONDITIONAL USE

- 1) The Board of Trustees, or their designee, is designated the Sexually Oriented Business Use Inspector (hereinafter referred to as "The Inspector." The Inspector shall have the following powers and duties:
 - a) To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of sexually oriented business licenses as set forth in this Article.
 - b) To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this Article and other applicable provisions of law.
 - c) To review at least annually the provisions of the Zoning Resolution and the conduct and operation of sexually oriented business establishments, and to make such related reports and recommendations to the Zoning Commission as the Inspector shall deem necessary.
 - d) To conduct such hearings, studies, and reports on sexually oriented businesses as the Inspector shall deem necessary; and to conduct such hearings on the revocation or suspension of a sexually oriented business license as required pursuant to this Article.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- e) To take such further actions as the Inspector deems necessary to carry out the purpose and intent of this Article and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this Article.
- 2) SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY:
- a) Sexually Oriented Business License Required: A sexually oriented business license shall be required to establish, operate, or maintain a sexually oriented business with the Township.
 - b) Operation without License Prohibited: It shall be unlawful for any person not having a current and valid sexually oriented business license to operate, or maintain a sexually oriented business within the township at any time after the effective date of this Article.
 - c) Operation in Violation of License Prohibited: It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the township except in the manner authorized by, and in compliance with, the provisions of this chapter and the licensee's sexually oriented businesses license.
 - d) Content and Display of License: Every sexually oriented business license shall be provided by the township and shall, at a minimum, prominently display on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.
 - e) License Term: Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may renewed only by making an application. Application for renewal should be made at least sixty days before the expiration date.
- 3) FORM AND SUBMITTAL OF LICENSE APPLICATION:
- a) Required Form: An application for a sexually oriented businesses license, or the renewal thereof shall be made in writing to the Inspector on a form prescribed by the Inspector and shall be signed by (1) the applicant, if the applicant is an individual; (2) at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or (3) by a duly authorized agent, if the applicant is a corporation. Each application shall specifically identify the applicant and the licensed premises for which a sexually oriented businesses license is sought. Each initial or renewal application shall be accompanied by ten (10) identical copies.
 - b) Administrative Processing Fee: Every applicant for a sexually oriented business license, initial or renewal, shall pay a non-refundable administrative processing fee.
 - c) Required Information and Documents: Each application shall include the following information and documents;
 - i) Names of applicants.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- (1) Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof (driver's license) of the applicant's age (date of birth) – proof that applicant is at least 18 years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization, and the applicant's federally issued tax identification number.
- (2) Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, the ages, business addresses, and social security numbers of all directors, officers, and managers of the corporation and of every person owning or controlling more than 20% of the voting shares of the corporation; the corporation's date and place of incorporation and the object(s) for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered agent and the address of the registered office for service of process.
- (3) Partnerships (general or limited) joint ventures, limited liability companies, or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (including limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
 - ii) The general character and nature of the business of the applicant.
 - iii) The location, including street address and legal description, and telephone number, of the premises for which the sexually oriented businesses license is sought.
 - iv) The specific name of the business that is to be operated under the sexually oriented businesses license.
 - v) The identity of each fee simple owner of the licensed premises.
 - vi) A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, providing however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clear compliance with the provisions of this subsection of Article XV. The requirements of this subsection of Article XV shall not apply to renewal applications if the applicant presents a diagram that was previously submitted for the license for which renewal is sought and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and shall not be interpreted or construed to constitute, any other approval otherwise required pursuant to applicable regulations of Wayne Township.

- vii) The specific type or types of sexually oriented business that the applicant proposes to operate in the licensed premises.
- viii) A copy of each sexually oriented business license, liquor license and gaming license currently held by the applicant or by all of the individuals identified in the application.
- ix) The name of the individual or individuals who shall be the day-to-day on-site manager(s) of the proposed sexually oriented business.
- x) Whether the applicant has been convicted of a specified criminal activity as defined in the Zoning Resolution, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- xi) Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- xii) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 3,000 feet of the property to be certified; the property lines of any established residential use or district, school, preschool, daycare, place of worship, synagogue, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within Wayne Township or other adjacent jurisdiction), any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel within 1,000 feet of the property to be certified. For the purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- xiii) Any application for a sexually oriented business license that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Zoning Commission. The Inspector shall, within thirty days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

4) PROCESSING OF LICENSE APPLICATION:

- a) Upon the filing of an application for a sexually oriented business license, the Inspector shall refer the application to the appropriate township/county departments for investigation to be made on the information contained in the application. The application process for a license shall be completed within 30 days from the date of the completed application. After the investigation, the sexually oriented business use Inspector shall issue a license unless the requirements set forth above are not met.
- b) Appeal: Judicial review may be made pursuant to Chapter 2505 of the Ohio Revised Code. All parties shall comply with the Inspector's decision pending appeal.

5) STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE:

- a) The Inspector shall issue a sexually oriented business license to an applicant if, but only if, the Inspector finds and determines all of the following based on the reports, investigations and inspections conducted by himself/herself and any reviewing departments and on any other credible information on which it is reasonable for him/her to rely.
 - i) All information and documents required by this Article for issuance of a sexually oriented business license have been properly provided and the material statements made in the application are true and correct.
 - ii) No person identified in the application has been convicted of, or pleaded guilty or no contest to, any criminal act within five years immediately preceding the date of the application.
 - iii) No person identified in the application is overdue on payment of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any sexually oriented business.
 - iv) The sexually oriented business and the licensed premises comply with all of the applicable building, health, and safety codes and have received all necessary zoning approvals required by the then-applicable provisions of the Wayne Township Resolutions.
 - v) The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the Wayne Township zoning resolution applicable to sexually oriented business, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith.
- b) Denial: If the Inspector determines that the applicant has not met any one or more of the conditions set forth herein, then he/she shall deny issuance of the sexually oriented business license and shall give the applicant a written notification and explanation of such denial. The inspector will only accept and process to completion one (1) application per location at a time. No new applications for any location will be accepted while an application for that location is the subject of any appeal process.
- c) License Deemed Issued: If the Inspector does not issue or deny the sexually oriented business license within sixty (60) days after the properly completed application is

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

submitted, then the sexually oriented business license applied for shall be deemed to have been issued.

6) INSPECTION BY WAYNE TOWNSHIP:

- a) **Authority:** The Inspector and other township representatives and departments with jurisdiction shall periodically inspect all sexually oriented business establishments as shall be necessary to determine compliance with the provisions of the Zoning Resolution and all other applicable law.
- b) **Licensee Cooperation:** A licensee shall permit representatives of Wayne Township to inspect the licensed premises and the sexually oriented business establishment for the purpose of determining compliance with the provisions of this Article and all other applicable law at any time during which the licensed premises is occupied or the sexually oriented business establishment is open for business.
- c) **Interference or Refusal Illegal:** It shall be unlawful for the licensee, any sexually oriented business employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by Wayne Township pursuant to this Article or any other authority.
- d) **Suspension or Revocation:** Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the sexually oriented business license.

7) CHANGES IN INFORMATION: During the pendency of any application for, or during the term of, any sexually oriented business license, the applicant or licensee shall notify the Inspector in writing within ten days of any change in any material information given by the applicant or licensee in the application for such license; including specifically, but without limitation, any change in managers of the sexually oriented business establishment or in the individuals identified in the application pursuant to the Zoning Resolution, or if any of the events constituting grounds for suspension or revocation pursuant to the Zoning Resolution occur.

8) REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS:

- a) **General Compliance:** All licensed premises and sexually oriented business establishments shall comply with the provisions of the Zoning Resolution, and with the provisions of all other applicable township resolutions, rules, and regulations and all other applicable federal, state, and local laws.
- b) **Prohibited Uses:** No person shall cause or permit the establishment of an adult entertainment business within one thousand (1,000) feet of any established single or multi-family dwelling, school, preschool, daycare, church, synagogue, or other place of worship, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within Wayne Township or adjacent jurisdictions), any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel, nor with three thousand (3,000) feet of another adult entertainment business. For purposes of this Article, distances shall be measured in a straight line without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line or the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

- c) Zones which Permit Adult Entertainment: The area zoned General Business District and Light Manufacturing.
- d) Hours of Operation:
 - i) No sexually oriented business establishment shall be open for business at any time on any Sunday, State of Ohio or Federal holiday.
 - ii) No sexually oriented business establishment shall be open for business between the hours of 12:00 AM (Midnight) and 11:00 AM on any day.
- e) Animals: No animals, except seeing-eye dogs required to assist the blind, shall be permitted at any time in any sexually oriented business establishment or licensed premises.
- f) Restrooms: All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons.
- g) Restricted Access: No sexually oriented business establishment patron shall be permitted at any time to enter into any of the non-public portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
- h) Specific Prohibited Acts:
 - i) No sexually oriented business employee or any other person at any sexually oriented business establishment, other than a sexually oriented business employee employed to provide adult entertainment in accordance with the regulations in the Zoning Resolution shall appear, be present, or perform while nude or semi-nude.
 - ii) No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee or patron or any other person.
 - iii) Straddle dances shall be prohibited at all sexually oriented business establishments.
- i) Exterior Display: No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk; public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations. This subsection shall apply to any advertisement, display, promotion material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

- j) Noise: No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.
 - k) Gambling and Related Devices Prohibited: No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
 - l) Manager's Station: Each sexually oriented business establishment shall have one or more manager stations. The interior of each sexually oriented business establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose.
 - m) Alcohol Prohibition: No sexually oriented business establishment shall sell, serve, provide or permit the consumption of beer or alcohol on the licensed premises or the lot on which the licensed premises is located.
 - n) Parking: Each sexually oriented business establishment shall have a paved, marked, lighted parking lot capable of holding one vehicle for every three authorized occupants permitted by fire regulations.
 - o) Light and Sound Blockage: Each sexually oriented business establishment shall be landscaped to provide light and sound blockage to adjoining properties.
- 9) SPECIAL REGULATIONS FOR ADULT BOOTHS:
- a) Prohibited Except in Adult Stores: Adult booths shall be prohibited in all sexually oriented business establishments except adult stores.
 - b) Occupancy and Prohibited Acts: Only one individual shall occupy an adult booth at any time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.
 - c) Open Booth Requirement: In addition to satisfying the manager station requirements of this chapter, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within a sexually oriented business establishment for the purpose of providing secluded viewing of adult materials or live performances.

- d) **Aisle Required:** There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.
 - e) **Holes Prohibited:** Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.
 - f) **Signage:** A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states (I) that only one person is allowed in an adult booth at any one time, (II) that it is unlawful to engage in any specified sexual activities while in an adult booth, and (III) that it is unlawful to damage or deface any portion of an adult booth.
 - g) **Age Limitations:**
 - i) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult booth or a licensed premises that includes an adult booth shall be under the age of 18.
 - ii) No person under the age of 18 shall be admitted to any adult booth or any licensed premise that includes an adult booth.
 - iii) No person under the age of 18 shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.
 - iv) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premise that includes an adult booth.
- 10) **SPECIAL REGULATIONS FOR ADULT CABARET:**
- a) **Performance Area:** The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a 'Cabaret Stage'). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least three (3) feet from all areas of the premises to which sexually oriented business establishment patrons have access. A continuous barrier at least two feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No patron shall be allowed at any time on any Cabaret Stage.
 - b) **Lighting:** Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10 foot centers shall be maintained at all times for all areas of the adult cabaret where sexually oriented business establishment patrons are admitted.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- c) Tipping: No sexually oriented business establishment patron shall offer, and no sexually oriented business establishment employee having performed on any Cabaret Stage shall accept any form of tip or gratuity offered directly or personally to the employee by the sexually oriented business establishment patron. Rather, all tips and gratuities to sexually oriented business establishment employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the sexually oriented business establishment or shall be placed by the sexually oriented business establishment patron on the Cabaret Stage on which the sexually oriented business establishment employee is performing.
- d) Notice of Select Rules: A sign at least two feet by two feet, with letters of at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY WAYNE TOWNSHIP. ENTERTAINERS ARE:

- i) NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
- ii) NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.

- e) Age Limitations:
 - i) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.
 - ii) No person under the age of 21 shall be admitted to any adult cabaret or, to any licensed premise used for an adult cabaret.
 - iii) No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or any licensed premise used for an adult cabaret.
 - iv) No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret.
- 11) SPECIAL REGULATIONS FOR ADULT STORES:
 - a) Windows: Window areas for adult stores shall not be covered or obstructed in anyway.
 - b) Age Limitations:
 - i) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of 18.
 - ii) No person under the age of 18 shall be admitted to any adult store or to any licensed premises used for an adult store.
 - iii) No person under the age of 18 shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.
 - iv) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

services at or from any adult store or any licensed premises used for an adult store.

12) SPECIAL REGULATIONS FOR ADULT THEATER:

- a) Seating: Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater as permitted by fire regulations.
- b) Aisle: Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.
- c) Sign: Each adult theater shall have a sign posted in a conspicuous place at or near each entrance to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
- d) Age Limitations:
 - i) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.
 - ii) No person under the age of 18 shall be admitted to any adult theater or to any licensed premises used for an adult theater.
 - iii) No person under the age of 18 shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater.
 - iv) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

13) LICENSEE RESPONSIBILITY FOR EMPLOYEES: Every act or omission by a sexually oriented business establishment employee constituting a violation of the provisions of this Article shall be deemed to be the act of omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the sexually oriented business establishment employee. The licensee shall be punished for any such act or omission in the same manner as if the licensee committed the act or caused the omission.

Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this Article shall be deemed, or purposed for determining whether the licensee's sexually oriented business establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee.

14) LICENSE REVOCATION OR SUSPENSION:

- a) Grounds: Pursuant to the procedures set forth in this section, the Inspector may suspend for not more than thirty (30) days, or revoke, any sexually oriented business establishment license if the Inspector, based on credible and reasonably reliable

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

information and evidence, determines that any one or more of the following has occurred:

- i) The licensee has violated any of the provisions or requirements of this Article or sexually oriented business establishment license pursuant hereto, or the provisions of Wayne Township zoning resolution applicable to the licensed premises or the sexually oriented business establishment.
 - ii) The licensee (1) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the township for the issuance or renewal of any sexually oriented business establishment license, or (2) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.
 - iii) The licensee has committed or knowingly or negligently allowed a felony or specified criminal act to take place on the licensed premises.
 - iv) The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment, allows a sexually oriented business establishment employee, sexually oriented business establishment patron, or any other person to (I) violate any of the provisions or requirements of this Article or of the provisions or requirements of the sexually oriented business establishment license issued pursuant hereto, or (II) commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this Article becomes disqualified for the issuance of sexually oriented business establishment license at any time during the term of the license at issue.
- b) Procedure: A sexually oriented business establishment license may be suspended for not more than sixty (60) days or revoked pursuant to the terms and conditions set forth herein:
- i) Notice: Upon determining that one or more of the grounds for suspension or revocation under this Article may exist, the Inspector shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum, (I) state that the Inspector has determined that the sexually oriented business establishment license may be subject to suspension or revocation pursuant to the Zoning Resolution, (II) identify the specific grounds for the Inspector's determination; and (III) set a date for a hearing regarding the Inspector's determination as to the possibility of suspension or revocation of the sexually oriented business establishment license. The date of the hearing shall be no less than five days after service of the Inspector's notice, unless an earlier or later date is agreed to by the licensee and the Inspector.
 - ii) Hearing: The hearing shall be conducted by the Inspector. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Inspector for suspending or revoking the license and the Wayne

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Township and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented business establishment pursuant to this chapter shall be made part of the hearing record. Within three days after the close of the hearing, the Inspector shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Inspector shall be final and shall be subject to judicial review pursuant to Chapter 2506 of the Ohio Revised Code. The sexually oriented business establishment may remain in operation pending the outcome of the appeal.

- iii) **Notice and Effective Date of Suspension or Revocation:** The Inspector's written decision shall be served on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Inspector's written decision is delivered in person or three days after it is placed in the U.S. Mail.
 - iv) **Surrender of License:** Upon the suspension or revocation of sexually oriented business establishment license pursuant to this chapter, the Inspector shall take custody of the suspended or revoked license.
- 15) **ADMINISTRATIVE RECORD:** The Inspector shall cause to be kept in the zoning inspector's office an accurate record of every sexually oriented business establishment license application received and acted on, together with all relevant information and material pertaining to such application, any sexually oriented business establishment license issued pursuant thereto, and any sexually oriented business establishment operated pursuant to such sexually-oriented business establishment license.
- 16) **RECORD KEEPING BY LICENSEE:** The licensee of every sexually oriented business establishment shall maintain a register of all of its sexually oriented business establishment employees. For each such employee, the register shall include the following information:
- a) Legal name;
 - b) Any and all aliases;
 - c) Date of birth;
 - d) Gender;
 - e) Social security number;
 - f) Date of commencement of employment;
 - g) Date of, and cause for, employment termination, if applicable;
 - h) Specific job or employment duties; and
 - i) Convections for any specified criminal activities as defined in this Article, and the specified criminal activities involved, the date, place, and jurisdiction of each.
- The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The licensee shall make the register of its sexually oriented business establishment employees available for inspection by the Inspector immediately upon demand at all reasonable times.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 17) **PENALTY:** Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Article, or of any of the provisions or requirements of any sexually oriented business establishment license, shall be fined not more than \$500 for each such violation. Each day such violation continues shall constitute a separate offense. The Inspector shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application.
- 18) **NUISANCE DECLARED:** Any sexually oriented business establishment established, operated or maintained in violation of any of the provisions or requirements of this Article or of any sexually oriented business establishment license shall be, and the same is, declared to be unlawful and a public nuisance. Wayne Township may, in addition to or in lieu of any other remedies set forth in this Article, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts, as may have Jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a sexually oriented business establishment contrary to the provisions of this Article.
- 19) **COMPUTATION OF TIME:** Unless otherwise specifically set forth in this Article, the time within which any act required by this Article is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.
- 20) **TOWNSHIP ZONING:** All other portions of the Wayne Township Zoning Resolutions shall remain in effect.
- 21) **SEPARABILITY CLAUSE:** Should any section or provision of this Article be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the Article as whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 22) **TIME TO TAKE EFFECT:** This Article shall take effect on the earliest date permitted by law.

SOLAR PANELS – PERMITTED USE

All solar panels must be located outside of minimum required setbacks and may not exceed ten (10) feet in height if they are freestanding structures and may not extend the maximum permitted building height, if attached to another structure. The panels shall not generate audible noise that can be heard from an adjoining property or be installed in a position that generates a glare visible from other properties.

TEMPORARY HOUSING – CONDITIONAL USE

- 1) Temporary residences, including mobile homes, shall be removed from lot within sixty (60) days of the expiration date of approved temporary permit.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 2) Any residential use of a Mobile Home, the following shall apply:
 - a) Complies with all applicable zoning regulations pertaining to a one-family dwelling.
 - b) Ties downs per State of Ohio standards.
 - c) Complies with all Knox County Health Department regulations regarding water and sewer systems and certificate held.
 - d) Siding/skirting to ground of approved nonflammable building materials.
 - e) The Conditional Use Permit automatically expires when the permit holder ceases to use the Mobile Home as his/her primary residence.

WIND TURBINES – PERMITTED USE

No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Inspector demonstrating compliance herein, except wind projects of 5MW or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind projects less than 5MW and used solely for agriculture will be exempt from these zoning regulations as an agricultural use.

Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a permitted use.

- 1) Height: The height of any turbine shall comply with the following:
 - a) Turbines mounted on the ground: The maximum height of any turbine shall be 125 feet. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.
 - b) Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus 15 feet.
- 2) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:
 - a) Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade,
 - b) Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted,
 - c) Turbines mounted on the ground or on a structure: The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 3) **Maintenance:** Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- 4) **Decibel Levels:** Decibel levels shall not exceed 70 decibels, by design or at the location of the tower.
- 5) **Shadow Flickering:** Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.
- 6) **Wiring and electrical apparatuses:** All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- 7) **Signs:** No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 8) **Lighting:** No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 9) **Permits:** All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio and Knox County Building Department.
 - a) A permit shall be required before construction can commence on an individual wind turbine project.
 - b) As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports or runways.
 - c) Applicant shall then provide the Township Zoning Inspector with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
 - i) Location of all public and private airports and runways in relation to the location of the wind turbine.
 - ii) A report demonstrating the total size and height of the unit, the construction details of any structural foundation, a list and or depiction of all safety measures

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.

- iii) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines, as well as soil and bedrock data.
- iv) Evidence of established setbacks and “clear fall zone.”
- v) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XI – PARKING & PAVEMENT STANDARDS

11.0 GENERAL PARKING STANDARDS:

1. All residential uses shall provide parking space off the road or street and outside of public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit. Not less than two hundred (200) square feet of area shall be necessary for each such vehicle.
2. Off-street parking shall be required on any lot with a dwelling unit. Off-street parking in this section is meant to include driveways and other areas used or designated as parking spaces. No building or structure shall be erected, substantially altered, or its use changed in any Zoning District except for agricultural uses without providing off street parking and or loading spaces. A valid driveway permit may be required for the installation of any driveway or off-street parking and / or loading area.
3. The following materials are approved for use in the construction of any residential driveway or off-street parking area.
 - a. 8" crushed aggregate base, or
 - b. 2" asphalt concrete over a 6" crushed aggregate base, or
 - c. 6" concrete (reinforcing recommended)
4. All parking and loading areas must be constructed of concrete or asphalt. If any additions or alterations are made to an existing building or property that require additional parking, any and all existing parking and loading spaces must also be renovated to comply with this Article. All parking and/or loading areas shall be maintained in good condition.

11.1 PARKING & STORAGE OF INOPERABLE MOTOR VEHICLES: No person shall park or keep an inoperable motor vehicle in any Zoning District. As used in this section "park or keep an inoperable motor vehicle" shall mean the storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one (1) or more inoperable motor vehicles at any place other than in an enclosed garage. For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist:

- 1) One (1) or more wheels are missing;
- 2) One (1) or more tires are missing;
- 3) Two (2) or more tires are flat;
- 4) One (1) or more windows are missing or broken;
- 5) The windshield is shattered or missing;
- 6) Parts necessary for the operation of the vehicle are missing; or
- 7) A license with a distinctive number and valid for the current year is not displayed thereon.

11.2 PARKING & STORAGE OF COMMERCIAL MOTOR VEHICLES & TRAILERS: On any property which is less than five (5) acres in size, the property owner may park not more than two (2) commercial vehicles. On any property, the property owner must park commercial

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

vehicle(s) behind the front setback line. The parking and storage of a commercial motor vehicle and/or trailer shall be prohibited forward of the front setback line.

- 11.3 PARKING HAZARDOUS MATERIALS: The parking and/or storage, in any District, of a vehicle that is placarded for the transport or storage hazardous material is strictly prohibited.
- 11.4 LANDSCAPING & CONSTRUCTION EQUIPMENT: The parking and storage of landscaping and construction equipment (including but not limited to lawn mowers / earth moving and grading equipment, etc.) must be stored inside a structure that is enclosed on at least three (3) sides so as not to be visible from the roadway or have proper landscaping and buffering between property lines cannot park forward of the front setback line unless there is active work or construction on the property.
- 11.5 LOCATION OF PARKING: The following regulations shall govern the location of off-street parking spaces and areas:
- 1) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
 - 2) Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use.
 - 3) Parking spaces for residential uses shall be located not more than three hundred (300) feet from the principal use.
- 11.6 MINIMUM DISTANCE & SETBACKS: No part of any parking area for more than five (5) vehicles or covering more than 200 square feet shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an abutting or adjoining lot, unless separated by a solid wood privacy fence or other approved constructed screen of between four (4) and six (6) feet in height. If on the same lot with a single-family residence and consisting of a lot area of less than one and one-half (1 ½) acre, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley Right-of-Way.
- 11.7 REQUIREMENT FOR THE INSTALLATION OF WHEEL BLOCKS: Whenever a parking area extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- 11.8 ACCESS: The frequency of access points along thoroughfares is to be minimized to reduce vehicle and pedestrian conflict and improve traffic flow. Access drives (driveways) leading to and from a street shall be developed according to the standards required by the Township and/or County Subdivision Regulations:

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 11.9 **SIDE LOT LINES:** An access drive, exclusive of curb returns, shall be located no less than ten (10) feet from the side lot line, except that an access drive for a residential use may be closer than two (2) feet from a side lot line. Access drives for any uses utilizing a common drive may be adjacent to and intersecting with a side lot line.
- 11.10 **QUANTITY PERMITTED:** The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers, and permit reasonable speeds and economy of travel while maintaining roadway capacity.
- 11.11 **SURFACE:** The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with stone aggregate, concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. Off-street parking area designs shall be reviewed and approved by the Zoning Inspector prior to issuance of a Certificate of Zoning Compliance. All access driveway aprons shall be graded for proper drainage and surfaced with concrete. Access driveway and apron designs shall be reviewed and approved by the Zoning Inspector prior to construction.
- 11.12 **DRAINAGE:** All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
- 11.13 **MAINTENANCE:** The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.
- 11.14 **LIGHTING:** Any parking area which is intended to be used during non-daylight hours shall be properly illuminated with downward lighting to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 11.15 **SHARED PARKING:** Where two (2) or more uses are provided on the same lot, including principal and supplementary uses, the total number of spaces required shall be reduced. In order to determine the number of parking spaces required, take the sum of the individual requirements and multiply by seventy-five (75) percent. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement shall be filed with the application before a certificate of occupancy is issued. The calculation of parking spaces shall be to the next highest whole number where a fractional space results. Whenever a building or use is constructed or enlarged in gross floor area, by number of employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this Resolution such as to create a requirement under this chapter for an increase of thirty (30) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

11.16 **PARKING SPACE DIMENSIONS:** All parking spaces shall be not less than ten (10) feet in width and twenty (20) feet in length as minimum rectangular dimensions.

11.17 **SCHEDULE OF PARKING SPACES:** The minimum number of off-street parking spaces, exclusive of ADA requirements, shall be as set forth in the following schedule. For uses not specifically named herein, the requirement shall be the same as required for a listed use similar in nature, as determined by the Zoning Inspector.

USE	REQUIRED PARKING SPACES
AUTOMOBILE SERVICE STATION	1 for each 3 pumps plus 1 for each service bay
Automobile repairs	1 for each 300 sq. ft. of gross floor area
Assembly hall, club room, place of amusement or similar place of assembly without fixed seating	1 for each 250 sq. ft. of gross floor area used by the public (Changed from 1,000)
Banks, savings and loans, business and administrative offices	1 for each 400 sq. ft. of gross floor area
Bed and breakfast inns	1 for each guest room
Bowling alleys, tennis courts or similar place of intensive public activity	1 for each alley, court or similar activity area
Business, technical and trade school, college and university	1 for each 3 students
Business and Professional Offices not elsewhere specified	1 for each 200 sq. ft. of office space
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 250 sq. ft. of gross floor area used for assembly or dancing
Day care centers, children's nurseries and pre-schools	2 for each classroom but not less than 5 per center
Drive-up window service or fast-food restaurants, with seating,	1 for each 150 sq. ft. of gross floor space
Drive-up window service or fast-food restaurants, without seating	1 for each 250 sq. ft. of gross floor area
Driving range	1 for each 2 playing locations
Dwellings, Other than multi-family	2 for each dwelling unit
Dwellings, Multi-Family	2 for each dwelling unit
Eating and drinking establishments with no drive-up window service	1 for each 100 sq. ft. of gross floor space
Electronic products store – retail	1 for each 500 sq. ft. of gross floor space
Funeral homes, mortuaries	1 for each 150 sq. ft. of floor area in slumber rooms, parlors, or service rooms
Furniture and appliance stores, household equipment or furniture repair shop	1 for each 400 sq. ft. of gross floor area
Golf course	2 for each hole plus 1 space for each 2 employees on combined work shifts

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

USE	REQUIRED PARKING SPACES
Health care maintenance and emergency services	1.5 for each treatment room plus one for every employee on the largest shift
Hospitals	1 for every 2 beds
Indoor swimming pool or natatorium	1 for each 5-person capacity (1 person/1,000 gallons of pool capacity) plus 1 for each 4 seats or 30 sq. ft. of seating floor area
Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants and furniture	1 for each 1,000 sq. ft. of sales area
Libraries, museums or art galleries	1 for each 500 sq. ft. of gross floor area
Manufacturing, warehousing, wholesaling, or similar establishments	1 per 1,000 sq. ft. of gross building area
Medical and dental offices and clinics	1 for each 200 sq. ft. of gross floor area
Miniature golf course	2 spaces for each hole plus 1 for each 2 employees on combined work shifts
Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus one space for each two employees
Outdoor display and sales	1 for each 1,000 sq. ft. of display area
Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
Personal services such as barber shop or beauty shop	1 space for every chair plus 1 space for each employee (increased from 1)
Personal and Consumer Services not elsewhere specified	1 for each employee plus 1 for each 400 square feet of office space
Recreational uses not elsewhere specified	1 for each 3 patrons plus 1 space for each 2 employees
Restaurants and bars	1 for each 100 sq. ft. of gross floor area
Retail sales or services not elsewhere specified	3 for first 1,000 sq. ft. plus 1 for each additional 500 sq. ft. of gross floor area
Sanitariums, convalescent homes, children's homes	1 for each 2 beds
Schools, Elementary and Middle	1 for each teacher and staff member, plus 1 for each student up to three (3) percent of the student body
Schools, High	1 for each 3 students
Service-related uses such as printing or plumbing shops	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery
Shopping centers including supermarkets	3 for each 1,000 sq. ft. of gross floor area
Sports arenas, auditoriums, theaters, assembly halls, churches, or similar place with fixed seating	1 for each 4 seats
Video rental store	1 for each 300 sq. ft. of gross floor area

ZONING RESOLUTION
Wayne Township, Knox County, Ohio



ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XII – SIGNAGE STANDARDS

12.0 PURPOSE: The purpose of this Article is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and protection of the Township’s rural character as articulated in the Comprehensive Plan. The provisions of this Article are intended to:

- 1) Encourage creative and well-designed signs that contribute in a positive way to the Township’s visual environment, express local character, and help develop a distinctive image for the Township. Quality and well-maintained signs are encouraged.
- 2) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- 3) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

12.1 APPLICABILITY:

- 1) Sign standards – The sign standards provided in this Article are intended to apply to signs in each zoning district in the Township. Only signs authorized by this Article shall be allowed.
- 2) Existing non-conforming signs – Except as otherwise specifically provided, nothing in this Article shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Zoning Resolution. Nonconforming signs are subject to the provisions of this Article, and any modifications/enhancements must comply with the same.
- 3) Content not regulated – The Township regulates only the physical location, size, density and appearance of signage. This Resolution shall not be used to restrict content or Constitutionally-protected free speech.

12.2 SIGN PERMITS:

- 1) Sign permits required. To ensure compliance with the regulations of this Article, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with this article.
- 2) Review authority. The Zoning Inspector will review all sign permit applications within the Township. The Zoning Inspector has thirty (30) days from the date of submittal to review all sign permit applications and either grant or deny the sign permit application.
- 3) Preparation. Applicants for a sign permit must submit the following information.
 - i) Color sign rendering.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- ii) Site plan and elevations.
 - iii) Sign dimensions and dimensions of sign mounting material, where applicable.
 - iv) Distance from all public rights-of-way.
 - v) Style, type, wattage, and location of all lighting.
 - vi) List of construction materials, including sign mounting material, where applicable.
- 4) Criteria for approval. The Zoning Inspector may only approve a sign permit, if the proposed sign meets the requirements of this Article.

12.3 SIGN STANDARDS BY ZONING DISTRICT: All signs shall comply with the standards of the applicable zoning district, in compliance with the following provisions.

Residential Sign Class	Maximum number per site ¹	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Residential subdivision Identification signs	None	N/A	None				
Home Occupation and Child Daycare Centers	1 (only in the Ag-R District)	Y	Wall	2 SF	8'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding bracket or Cantilever (only by "Conditional Use")	20 SF	4'	No	
Public Service, Public Uses, Parks, Conservation Districts or Schools	1 per side of street frontage	Y	Wall	1 SF per linear foot of wall surface up to 75 SF	10'	Yes	
		Y	Monument	48 SF	6'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding bracket	32 SF	6'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Cantilever	25 SF	15'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
Churches or Other Places of Worship	1 per side of street frontage	Y	Monument	32 SF	6'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Wall	1 SF per linear foot of wall surface up to 48 SF	6'	Yes	
		Y	Freestanding bracket	32 SF	6'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Cantilever	25 SF	15'	Yes	Must not be located closer than 5 feet from the nearest right-of-way

Notation 1 – The total number of signs permitted per site can be any combination of the permitted sign types. The maximum number per site does not exceed maximum number per each permitted sign type.

Notation 2 – All lighting of signs must be with down-cast lighting fixtures.

Notation 3 – Any two-sided sign shall be permitted the maximum area per sign on each side.

Non-Residential Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
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ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Business identification – Along road frontage where access is permitted	Two (2) per separate business use	Y	Wall	1 SF per linear foot of wall surface up to 80 SF	15'	Yes	
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Blade / Bracket ³	8 SF	4'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding Bracket ³	48 SF	6'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Monument	100 SF	6'	Yes	Not allowed for second story tenants unless part of a directory sign. Must not be located closer than 5 feet from the nearest right-of-way
		Y	Cantilever	25 SF	15'	Yes	Must not be located closer than 5 feet from the nearest right-of-way
Business identification – Other sides of property or building	1 per tenant space	Y	Wall	1 SF per linear foot of wall surface up to 50 SF	10'	No	Allowed only for uses with no business frontage facing a public street.
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	Must not be located closer than 5 feet from the nearest right-of-way

Notation 3 – Only one permitted per site

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Exempt Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Flags, Pennants or Insignia of any nation, state, township, political unit or educational institution		N	Flags, Pennants	N/A	N/A	Yes	
Signs of a duly constituted government body		N	All types	N/A	N/A	No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area. Window signs are limited to one per window
Cornerstones, Commemorative tablets and historical signs		N		10 SF		No	
Property address signs, or signs with the names of occupants of a property		N	All types	2 SF	4'	Yes	No internal illumination
Official neighborhood watch signs		N	All types	2 SF	5'	No	
Signs authorized by Ohio Dept. of Transportation within their right-of-way		N				Yes	To be located in ODOT right-of-way
Off-site directional signs to publicly owned facilities or emergency facilities		N	All types	12 SF	4'	Yes	
Off-site signs that are part of and accessory to bus shelters, transit shelters, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township Board of Trustees		N	Wall signs and banners	4 SF		Yes	
Signs located inside a building		N	Interior			Yes	Must not be plainly visible from the exterior of the building
Directional signs, entry or exit to parking		N		4 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight
Accessibility signs indicating special parking for the handicapped	1 per parking space	N	Pole / Bracket / Wall	2 SF	6'	Yes	Imprinted with the universal sign of accessibility
Official and legal notices required by a court or government agency		N	Temporary – All types			Yes	
Real Estate signs located on < 20 acres	1 per lot	N	Temporary – All types	4 SF	6'	No	Remove 10 days after sale complete. Not permitted in right-of-way
Real Estate signs located on 20 acres or more	1 per road frontage	N	Temporary – All types	32 SF	8'	No	Remove 10 days after sale complete; cannot be in ROW
Open house signs	3 off premise directional	N	Maximum 48 hours display	4 SF	4'	No	Cannot be in ROW, must be with property owners' permission
Promotion of community services, schools, churches and public events	1 per lot	N	Maximum of 30 days per year		10'	Yes	
Decorations associated with national, state, local or religious holidays		N	Flags / Signs / Lights			Yes	Can contain no advertising
Political signs	1 per candidate or issue	N	Maximum 72 hours after the election	4 SF	4'	No	Cannot be in ROW or on any fences or poles in ROW
Sandwich board or A-frame sign	1 per business location (only adjacent to a sidewalk)	N	Limited to regular hours of business	Not more than 3' wide	4'	No	Must leave 5' of sidewalk for passage, only display during daylight hours

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

12.4 GENERAL REQUIREMENTS

- 1) Outdoor advertising signs. Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises.
- 2) Encroachment into public right-of-way. No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
- 3) Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
 - a) External light sources shall be shielded to limit direct illumination of any object other than the sign;
 - b) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
 - c) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
 - d) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices; and
 - e) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.
- 4) Colors. Simple combinations of no more than three (3) colors may be used on the sign face, and must be harmonious with each other and the surroundings.
- 5) Lettering Styles and Sign Coverage. No more than two letter styles are permitted per sign.
- 6) Measurement of sign area.
 - a) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles. See Figure 1.
 - b) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
 - c) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed a ninety (90) degree angle from any other sign face.
 - d) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
 - e) Devices dedicated entirely to time and temperature display shall not be included within the measurement of maximum sign area.
- 7) Text: The text of permanent signs shall relate only to the name and/or nature of the business. Permanent signs that advertise continuous sales, special prices, etc. shall not be allowed.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 8) Alterations: No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article. The repainting of signs shall not be deemed to be an alteration within the meaning of this Resolution.
- 9) Sign maintenance: Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are prima facia evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- 10) Notice to repair: When the Zoning Inspector determines that such a sign exists in a state of disrepair, the Zoning Inspector shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.
- 11) Sign removal or replacement: When a business ceases operation for at least 90 days, the sign shall be removed. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

12.5 STANDARDS FOR SPECIFIC TYPES OF SIGNS:

- 1) Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows.
 - a) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. All awning or canopy signs on a property must be of a uniform size, font and type.
 - b) Maximum area and height. No structural element of an awning or canopy shall be located less than eight feet above finished grade. An awning valance shall be located no less than seven feet above finished grade.
 - c) Lighting. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
 - d) Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.
- 2) Blade/bracket signs.
 - a) Location. Blade or bracket signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
 - b) Maximum area and height. The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.
 - c) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
- 3) Changeable copy signs.
 - a) Limitations on use and sign area. Changeable copy signs may only be allowed:
 - i) In conjunction with facilities used exclusively for educational, religious, governmental, cultural, or theatrical purposes subject to the approval of a comprehensive sign program and limited to a maximum area of thirty-two (32) square feet; or

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- ii) Business advertisement, including advertising gasoline prices, limited to a maximum area of twelve (12) square feet.
- b) Portable changeable copy signs. Portable changeable copy signs are prohibited.
- 4) Freestanding bracket signs.
 - a) Location. The sign may be located only on a site frontage adjoining a public street.
 - b) Sign mounting. The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than 12 inches.
 - c) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to at least twice the area of each face of the sign. For example, 20 square feet of sign area equals 40 square feet of landscaped area. The Zoning Inspector may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project. Landscaping may include grass or water features but shall not be gravel.
- 5) Monument signs.
 - a) Location - The sign may be located only along a site frontage adjoining a public street. Signs must be no closer than 5 feet to the public right of way line.
 - b) Material - The base of must be constructed of a natural material.
 - c) Design - The design of a monument sign shall be consistent with the overall scale of the building - The design and placement of the sign shall not obstruct traffic safety sight areas.
 - d) Landscaping requirements - Landscaping shall be provided at the base of the supporting structure equal to at least twice the area of each face of the sign. For example, 20 square feet of sign area equals 40 square feet of landscaped area. The Zoning Inspector may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project. Landscaping may include grass or water features but shall not be gravel.
- 6) Wall signs.
 - a) Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
 - b) Projection from wall. The sign shall not project above the edge of the roof of a structure and from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches in a commercial or industrial district. In a residential district, a wall sign shall not project more than 3 inches.
- 7) Cantilever signs.
 - a) Location. The sign may be located along any site frontage adjoining a public street.
 - b) Design. The design of a cantilever sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.
 - c) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to at least twice the area of each face of the sign. For example, 20 square feet of sign area equals 40 square feet of landscaped area. The

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Zoning Inspector may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project. Landscaping may include grass or water features but shall not be gravel.

8) Off-site Advertising / Billboards.

- a) Location: The sign may be located in all districts and along a site frontage adjoining a state-maintained public roadway. The sign must be setback from the right-of-way at least ten (10) times the height of the structure. The sign may not be within one-hundred (100) feet of any off-site residence or other off-site advertising sign or billboard.
- b) Design: The design of an outdoor advertising / billboard sign shall be consistent with the overall scale of any nearby building, if applicable. The design and placement of the sign shall not obstruct traffic safety sight areas. Digital signs are permitted, as long as they include a night-time dimmer and are programmed to not generate a glare or illuminate the roadway or off-site property.

12.6 PROHIBITED SIGNS: The following signs and types of signs are inconsistent with the purposes and standards of this Article and are prohibited in all zoning districts unless otherwise expressly allowed by the Ohio Revised Code.

- 1) No display signs except those exempted herein, park/recreation sign, church sign, public/private school sign, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in Planned or conditional uses permitted in a residential district.
- 2) No Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Knox County Engineer or Wayne Township Board of Trustees.
- 3) Air actuated attraction devices.
- 4) Roof signs.
- 5) Pole signs.
- 6) Portable changeable copy signs except as noted herein.
- 7) Any sign blocking visual sight distance from any vehicular intersection, whether public or privately maintained, as determined by the County Engineer's Office.
- 8) Any sign not included under the types of signs permitted in any district regulations or in this section.

12.7 TEMPORARY SIGNS REQUIRING PERMITS: A temporary sign permit is required prior to the erection or construction of any temporary sign listed below. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

- 1) Subdivision Signs – Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- commercial development. Such signs shall not be utilized to advertise the sale, lease or development of un-subdivided land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one (1) year period or until ownership of at least of sixty (60) percent of the platted lots is transferred.
- 2) Banner Signs – Banner signs may be installed subject to the following requirements:
 - a) That the size of the banner sign shall not exceed that allowed for a permanent wall sign.
 - b) That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year.
 - c) That a banner sign shall not be displayed above the roof line of any structure.
 - d) For the purpose of this section, advertising signs containing representations of any flag or national, state or local emblem shall be considered as part of the banner sign.
 - 3) Portable Signs – Portable signs shall be limited to unlit signs and shall be permitted for not more than three (3) consecutive weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.
 - 4) Construction Signs – Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed sixteen (16) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after applicable work is completed.

12.8 COMPREHENSIVE SIGN PROGRAM: A comprehensive sign program is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A comprehensive sign program provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Article.

- 1) COMPREHENSIVE SIGN PROGRAM, APPLICABILITY: The approval of a comprehensive sign program shall be required whenever any of the following circumstances exist, or whenever an applicant requests the approval of a Comprehensive Sign Program:
 - a) Two or more separate tenant spaces are to be created on the same parcel;
 - b) Five or more non-exempt signs are proposed for a new or existing development;
 and

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- c) The Zoning Inspector determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.)
- 2) APPROVAL AUTHORITY: The Zoning Commission must hold a public hearing to consider a Comprehensive Sign Program prior to approving or denying the program. A sign permit may only be granted by the Zoning Inspector if such sign is found to be in keeping with an approved Comprehensive Sign Program.
- 3) APPLICATION REQUIREMENTS: A sign permit application for a Comprehensive Sign Program shall include all proposed standards for signs and all additional information and materials required by the Zoning Commission to demonstrate the proposed standards, and the filing fee set by the Township.
- 4) STANDARDS: A comprehensive sign program shall comply with the following standards:
 - a) The program shall comply with the purpose and the overall intent of this Article;
 - b) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign program, to the structures and/or developments they identify, and to surrounding development;
 - c) The program shall accommodate future revisions that may be required because of changes in use or tenants; and
 - d) The program shall comply with the standards of this Article, except that flexibility is allowed with regard to sign area, number, location, colors, font sizes, font types and/or height to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes of this Article.
- 5) COMPREHENSIVE SIGN PROGRAM REVISIONS: The Zoning Inspector may approve minor revisions to a comprehensive sign program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.

12.9 ABANDONED SIGNS: If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

- 1) Any sign associated with the abandoned nonconforming use.
- 2) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- 3) Any sign that is not maintained.
- 4) Any sign located in the road right-of-way posted in conflict with this Article.

12.10 ABANDONED SIGNS, DETERMINATION OF ABANDONMENT: When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, the Zoning

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Inspector shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Board of Zoning Appeals. The Zoning Inspector shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

12.11 ABANDONED SIGNS, RIGHT TO REMOVE: If the sign is not removed as ordered, the same may be removed by the Township Board of Trustees at the expense of the lessee or owner. If the Township is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

12.12 VIOLATIONS, PENALTIES AND REMEDIES: Any person, firm or corporation violating any requirement or prohibition of this Article shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Inspector, shall render such person, firm or corporation subject to the penalties provided herein.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XIII – LANDSCAPING & FENCE STANDARDS

13.0 **LANDSCAPING REQUIRED:** All yards, front, side and rear, shall be landscaped. Landscaping shall include, but not be limited to, lawn grass. All improved common open space shall be landscaped per the approved Development Plan.

13.1 **NON-RESIDENTIAL LANDSCAPING & SCREENING REQUIRED:** A newly established non-residential use adjacent to or across the road from a residence or residential District shall provide a masonry or solid fence between four (4) and six (6) feet in height.

- 1) Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height; and
- 2) If the newly established use is manufacturing, they shall provide next to that adjacent property line a dense evergreen hedge properly maintained, or a tree row in combination with a masonry or solid wood fence to visually screen the industrial area.

13.2 **FENCING & WALL STANDARDS:** Fencing and walls shall be maintained in good condition and comply with the following standards:

- 1) Fences shall not exceed a maximum of six (6) feet;
- 2) Fencing shall not contain or support advertising or other signs;
- 3) No barbed wire fence or similar sharp point fence shall be constructed, erected or maintained in any district, except for agricultural uses;
- 4) Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock or pets;
- 5) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times;
- 6) Any ground between the fence and property line shall be well maintained;
- 7) All fences and walls must present the finished non-structural face outward;
- 8) No fence or wall may be placed such that they interfere with road, intersection or driveway sight visibility;
- 9) No fence or wall shall be permitted to be within five (5) feet of any public rights-of-way or easements;
- 10) No fence or wall shall be permitted within three (3) feet of any adjoining property without notarized written consent of the adjoining owner(s).
- 11) All front yard fences on a parcel shall have a unified style; and
- 12) Fences may not be made out of steel siding, guard rails or other similar material.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XIV – ZONING ADMINISTRATION

14.0 **ZONING INSPECTOR:** The position of Township Zoning Inspector is hereby created. The zoning inspector shall be appointed by and serve at the pleasure of the Board of Trustees and shall receive such compensation as the Board of Trustees may provide. He/She shall keep records of all applications for zoning certificates and the action taken thereon, and shall be a resident of the unincorporated area of Wayne Township included in the area zoned. A zoning inspector designated by the Board of Trustees shall administer and enforce the Zoning Resolution. He/She may be provided with the assistance of such other persons as the Board of Trustees may direct. The township zoning inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

14.1 **DUTIES OF ZONING INSPECTOR:** For the purpose of the Zoning Resolution, the Zoning Inspector shall have the following duties:

- 1) Upon finding that any of the provisions of the Zoning Resolution are being violated, he/she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
 - a) Shall inspect site conditions, lot lines, footers, and any other essential information necessary for the approval or disapproval of a zoning permit, based on information provided by Applicant.
- 2) Order discontinuance of illegal uses of land, buildings, or structures.
- 3) Order removal of illegal buildings or structures or illegal additions or structural alterations.
- 4) Order discontinuance of any illegal work being done.
- 5) Take any other action authorized by the Zoning Resolution to ensure compliance with or to prevent violation(s) of the Zoning Resolution. This may include the issuance of action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
- 6) Shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- 7) All departments, officials and public employees of the Township vested with the duty or authority to issue permits and licenses shall conform with the provisions of the Zoning Resolution and shall issue no permits or licenses for any use, building, or buildings, or purpose in conflict with the provisions of the Zoning Resolution. Any permit or license issued in conflict with the provisions of the Zoning Resolution shall be null and void.

14.2 **FILING PLANS:** Every application for a Zoning Permit shall be accompanied by plans to scale, showing (on the basis of survey):
(In duplicate)

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 1) The exact location, size, and height of any building or structure to be erected or altered.
- 2) Submit a plot plan showing the proposed location, dimensions, and the proposed use.
- 3) The existing and intended use of each building or structure or any part thereof.
- 4) The number of families or housekeeping units the building is designed to accommodate.
- 5) Must show the approved permit of the Knox County Health Department for the design, location, and capacity of the sanitary system and method of water supply.
 - a) Water systems and sanitary sewer facilities, whether community or individual, must be approved by the County of Knox and/or the State of Ohio Health Department and a certificate posted.
- 6) When no buildings are involved, the location of the present use and proposed use to be made of the lot; such other information with regard to the lot and neighboring lots may be necessary to determine and provide for the enforcement of the Zoning Resolution.
- 7) The lot and location of the building thereon shall be staked out on the ground before construction is started.
- 8) One (1) copy of such plans shall be returned to the owner when such plans have been approved by the zoning inspector together with such zoning certificate as may be granted.
- 9) Any zoning certificate approved by the Zoning Inspector shall conform with the Wayne Township Zoning Resolution.
- 10) Name, address, and phone number of applicant included.
- 11) The Zoning Inspector shall physically inspect lot conditions prior to the approval or disapproval of a zoning permit.

14.3 ZONING CERTIFICATE/PERMIT: Zoning permits shall be issued to permit a change of use, construction of a structure or a structural alteration only when submitted plans, specifications, and/or the proposed use demonstrate conformance with the provisions of the Zoning Resolution or a written order from the Board of Zoning Appeals, deciding an Appeal, Conditional Use or Variance.

A zoning certificate shall be issued by the Zoning Inspector, upon request and after completion of any new building stating the conformance or non-conformance in respect to the Wayne Township Zoning Resolution.

14.4 TIME LIMIT TO ACT ON ZONING CERTIFICATE: The Zoning Inspector shall act upon all such applications on which he/she is authorized to act within the provisions of the Zoning Resolution within 30 days after the date they are filed in full compliance with all the applicable requirements. He/She shall either issue a zoning certificate within said 30 days or shall notify the applicant in writing of his/her refusal of such certificate and the reasons therefore.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

Failure to notify the applicant within the said 30 days shall constitute a refusal and will enable the applicant to appeal directly to the Board of Zoning Appeals for the purpose of obtaining a zoning certificate.

- 14.5 ZONING CERTIFICATE FOR EXISTING BUILDING OR PREMISES: Upon written request from the owner or tenant, the zoning inspector shall issue a zoning certificate for any building or premises existing at the time of the enactment of the Zoning Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such conforms to the provisions of the Zoning Resolution.
- 14.6 EXPIRATION OF ZONING PERMIT: If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the zoning inspector; and written notice thereof shall be given to the persons affected.
- If the work described in any zoning permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled zoning permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.
- 14.7 FEES: Fees shall be charged in accordance with the orders and directions of the Board of Trustees.
- 14.8 VIOLATIONS AND PENALTIES: It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building, structure, or to use any land in violation of any regulation, provisions, or amendment thereto of the Wayne Township Zoning Resolution, and in such cases, such person or persons shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500), per the Ohio Revised Code, Sections 303.99 and 519.99. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
- 14.9 VIOLATIONS - REMEDIES: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of the Wayne Township Zoning Resolution or any amendment thereto, the Board of Trustees, the Prosecuting Attorney of the County of Knox, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus abatement, or any other appropriate action(s) or proceeding(s) to prevent, enjoin, abate or remove such unlawful

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

The Board of Trustees may employ special counsel to represent it in any proceeding to prosecute any action brought under this Article.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XV – ELECTED OFFICIALS

15.0 DELEGATED INTERPRETATION: The duties of the Board of Trustees and Fiscal Officer in connection with the Zoning Resolution shall not include hearing and deciding questions of interpretation and enforcement issues, as defined in Article XIV. The duty of interpretation and enforcement is delegated to the Zoning Inspector. If the role of Zoning Inspector is not filled by an appointed candidate, the role of Zoning Inspector is temporarily delegated to the Fiscal Officer until a Zoning Inspector is appointed by the Board of Trustees.

15.1 ROLE OF TRUSTEES: In respect to the Zoning Resolution, the Board of Trustees shall have only the duties of:

- 1) Considering and adopting or rejecting proposed amendments to the Zoning Resolution and/or Zoning Map;
- 2) Repeal of the Zoning Resolution, as provided by law;
- 3) Employment decisions regarding the Zoning Inspector and any assistant(s) necessary to perform the duties;
- 4) Appointment and removal of members of the Zoning Commission;
- 5) Appointment and removal of members of the Board of Zoning Appeals; and
- 6) Establishing proper application forms and a schedule of fees and charges.

15.2 ROLE OF THE FISCAL OFFICER: In respect to the Zoning Resolution the Fiscal Officer shall have only the duties of:

- 1) Maintaining an official public record of all applications, permits, meeting minutes and other documents received, generated and/or distributed by the Zoning Inspector, their assistant(s), the Zoning Commission and/or Board of Zoning Appeals;
- 2) Receiving, depositing and auditing fees and charges collected by the Zoning Inspector;
- 3) Maintaining contact information and employment records for all employees, including appointed board members; and
- 4) Responding to public record requests, as required by applicable statutes.

15.3 REMOVAL OF APPOINTED MEMBERS: The members of the Zoning Commission and Board of Zoning Appeals may be removed from office by the Board of Trustees, prior to the expiration of their official term. To remove a member prior to expiration of their term written charges of removal shall be delivered to the member by Certified Mail. Prior to removal, the member has the right to request a public hearing before the Board of Trustees within 20 days of receipt of the written charges. If requested such hearing shall allow the Board the opportunity to reverse such action. If no hearing is requested or if a majority of the Board of Trustees affirm the removal after the public hearing, the member shall be immediately removed from their appointment and a successor shall be appointed within 30 days.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XVI - BOARD OF ZONING APPEALS

16.0 AUTHORIZATION: There is hereby created a Board of Zoning Appeals of five (5) members, and up to two (2) alternates, to be appointed by the Board of Trustees. Members shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term.

16.1 RULES OF PROCEDURE: The Board of Zoning Appeals shall organize, and adopt rules of procedure in accordance with the provisions of the Zoning Resolution.

16.2 DUTIES: For the purpose of the Zoning Resolution the Board of Zoning Appeals has the following specific responsibilities:

- 1) To hear and decide an "administrative appeal" where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- 2) To authorize a "variance" from the area requirements of the Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of the Zoning Resolution will result in practical difficulty, and so that the spirit of the Zoning Resolution shall be observed and substantial justice done. No variance of permitted or conditionally permitted land uses shall be permitted.
- 3) To grant a "conditional use permit" as specified in the district regulations and under the conditions specified in the Zoning Resolution, after applying such additional safeguards necessary to uphold the intent of the Zoning Resolution.
- 4) To grant a "substitution of a non-conforming use permit" allowing for legal replacement of a non-conforming use existing at the time of enactment of the Zoning Resolution by another similar or less objectionable non-conforming use.

Under no circumstances shall the Board of Zoning Appeals grant an appeal, variance or permit to allow a use not permissible under the terms of the Zoning Resolution.

16.3 ADMINISTRATIVE APPEALS: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the Zoning Resolution may be taken from any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector, in accordance with Section 16.7 herein and subject to the following immediate procedure:

- 1) Such appeal shall be taken within twenty (20) days after the relevant decision(s) by filing, with the Zoning Inspector who shall transmit to the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 2) Immediately upon receipt of an administrative appeal, the Zoning Inspector shall issue a stay of all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Appeals after the notice of appeal is filed with him/her, that by reason of factor stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed other than by a restraining order granted by the Knox County Court of Common Pleas.
- 3) Within 20 days of receipt, the Zoning Inspector shall deliver by Certified Mail to the Board of Appeals and applicant(s) for appeal all public record(s) relevant to the action of which the appeal was taken.

In evaluating such application for administrative appeal, the Board of Zoning Appeals will have the full authority of the Zoning Inspector and shall conduct a review of applicable portions of the Zoning Resolution to affirm or overturn the action of the Zoning Inspector.

16.4 VARIANCES: The Board of Zoning Appeals may authorize upon application in specific cases such variance from the terms of the Zoning Resolution. To grant a variance, the Board of Zoning Appeals must determine that such will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Zoning Resolution would result in practical difficulty.

No such variance of the provisions or requirements of the Zoning Resolution shall be authorized unless the Board of Zoning Appeals finds, beyond reasonable doubt that all the following facts and conditions exist:

- 1) Whether the property will yield a reasonable return or whether there is beneficial use of the property without the variance.
- 2) Whether the variance is substantial.
- 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 4) Whether variance would adversely affect the delivery of governmental services.
- 5) Whether the property owner purchased the property with the current restrictions in place.
- 6) Whether the property owner's predicament can be remedied through method other than a variance.
- 7) Whether the spirit and intent of the zoning requirement would be observed and whether substantial justice would be done by granting the variance.

16.5 CONDITIONAL USE PERMIT: Wherever it is stated in the Zoning Resolution, certain conditional uses may be permitted in a District. Where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of a Comprehensive Plan.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the Zoning Resolution and is punishable.

A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. A Conditional Use Permit must be reviewed for compliance ninety (90) days after issued and within three (3) years of issue date by the Zoning Inspector. The Zoning Inspector can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three (3) years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.

If the property is sold, the new owner shall come before the Board of Zoning Appeals to review the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the Board of Zoning Appeals may lead to the Board of Zoning Appeals revoking the CUP requiring application for a new CUP.

The BZA may revoke a Conditional Use Permit, in accordance with Ohio Revised Code 519, for reasons including:

- 1) Repeated violations of Conditional Use Permit;
- 2) Change in the nature of the activity beyond the extent of the Conditional Use Permit;
- 3) Nature or size of activity becomes intrusive to neighbors or community; or
- 4) The approved use is discontinued for a period of more than one (1) year.

16.6 SUBSTITUTION OF A NON-CONFORMING USE: The Board of Zoning Appeals may grant a substitution of a non-conforming use, provided that application is made within two (2) years of the use terminating.

Such application for a substitution of a non-conforming use may be approved, conditionally approved or rejected, based on the following criteria:

- 1) No structural alterations, except those required by law or Resolution, shall be made;
- 2) The proposed substitution of use shall be equally appropriate to the current zoning district as the existing nonconforming use; and
- 3) Provided that the substituted use shall be of the same or of a more restricted classification.

ZONING RESOLUTION*Wayne Township, Knox County, Ohio*

16.7 **PROCESS:** For any application received by the Board of Zoning Appeals, the following process shall be followed:

- 1) The Zoning Inspector shall deliver the application, in duplicative form, to each member of the Board of Zoning Appeals and Fiscal Officer, certifying that it is complete with the following items:
 - a) Name, address, and phone number of applicant(s);
 - b) Legal description of property;
 - c) Existing zoning district;
 - d) Description of existing use and request for administrative appeal, variance, conditional use permit or substitution of a non-conforming use permit;
 - e) A site plan (if required) depicting any proposed improvements showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information required to determine if the proposed improvements meet the intent and requirements of the Zoning Resolution;
 - f) A narrative statement evaluating the criteria for approval in relationship to the effects on adjoining property and the relationship of the proposed use to the Comprehensive Plan; and
 - g) The required application fee.
- 2) The Board of Zoning Appeals shall schedule and hold a public hearing within a reasonable period of time after the receipt of the application from the Zoning Inspector.
- 3) Before holding the public hearing, the Zoning Inspector shall ensure notice of such hearing setting forth the time and place of the public hearing and the nature of the application shall be:
 - a) Published In one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing;
 - b) By standard U.S. Mail, postmarked at least ten (10) days before the date of said hearing, to:
 - i) The applicant;
 - ii) All members of the Board of Zoning Appeals;
 - iii) Any known party with an interest in an administrative appeal application;
 - iv) Property owner(s) and residents adjoining and directly across the road of property subject to a variance application; and
 - v) Property owner(s) and residents within 500 feet of property subject to a conditional use or substitution of a non-conforming use permit application.
- 4) The Board of Zoning Appeals shall decide all applications within a reasonable time after the final hearing thereon, in accordance with the following procedure:
 - a) The Board of Zoning Appeals shall make a written finding of fact, outlining all information of record considered in rendering their decision;
 - b) The Board of Zoning Appeals Chair shall provide a certified copy of the Board's decision to the applicant(s) or appellant(s) and to the Zoning Inspector within five (5) days of the decision;

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- c) Such decisions shall be binding upon the Zoning Inspector and observed by such;
 - d) The Zoning Inspector shall incorporate the times and conditions of the same in the certificate to the applicant whenever a certificate is authorized by the Board; and
 - e) A decision of the Board shall be effective upon delivery of this certified copy to the applicant(s) or appellant(s).
- 5) Appeals from the Board of Zoning Appeals decisions shall be made through the Knox County Court of Common Pleas within thirty (30) days of becoming effective.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XVII - ZONING COMMISSION

- 17.0 AUTHORIZATION: There is hereby created a Zoning Commission of five (5) members, and up to two (2) alternates, to be appointed by the Board of Trustees. Members shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term.
- 17.1 RULES OF PROCEDURE: The Zoning Commission shall organize and adopt rules of procedure in accordance with the provisions of the Zoning Resolution.
- 17.2 DUTIES: For the purpose of the Zoning Resolution the Zoning Commission shall have the following duties:
- 1) Maintain the Comprehensive Plan for Wayne Township;
 - 2) Initiate proposed amendments to the Zoning Resolution and/or Map, as necessary to ensure conformance with the Comprehensive Plan; and
 - 3) Review all proposed amendments to the Zoning Resolution and/or Map and make recommendations to the Board of Trustees as specified in Article XVIII.
- 17.3 PROCESS: For any application received by the Zoning Commission, the following process shall be followed:
- 1) The Zoning Inspector shall deliver the application, in duplicative form, to each member of the Zoning Commission, Board of Trustees and Fiscal Officer, certifying that it is complete with the following items:
 - a) Name, address, and phone number of applicant(s);
 - b) Legal description of property;
 - c) Existing zoning district;
 - d) Proposed zoning district, if applicable;
 - e) Description of existing use and request for administrative appeal, variance, conditional use permit or substitution of a non-conforming use permit.
 - f) A site plan (if required) depicting any proposed improvements showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information required to determine if the proposed improvements meet the intent and requirements of the Zoning Resolution;
 - g) A narrative statement evaluating conformance with the Comprehensive Plan and compliance with the Zoning Resolution in relationship to the effects on adjoining property; and
 - h) The required application fee.
 - 2) The remaining procedure is outlined in Article XIII.

ZONING RESOLUTION
Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XVIII - AMENDMENTS OR SUPPLEMENTS

- 18.0 INITIATION OF AMENDMENTS OR SUPPLEMENTS: Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Board of Trustees, or by the filing of an application therefor by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission.
- 18.1 PROCEDURE FOR CHANGE: Applications for amendments or supplements to the Zoning Resolution shall be submitted to the Zoning Commission upon such forms and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the application.
- 18.2 NAMES AND ADDRESSES OF PROPERTY OWNERS: Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the County Auditor's current tax list.
- 18.3 PUBLIC HEARING BY THE ZONING COMMISSION: Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of such hearing.
- 18.4 WRITTEN NOTICE: If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first-class mail, at least ten (10) days before the date of the public hearing to all owners of property within and within 500 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice, as stated in Section 18.3, is all that is required. The published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

- 18.5 TRANSMITTAL TO REGIONAL PLANNING COMMISSION: Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof together with a text and a map pertaining thereto to the Regional Planning Commission.
- 18.6 ACTION BY REGIONAL PLANNING COMMISSION: The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
- 18.7 PUBLIC HEARING BY ZONING COMMISSION: The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Trustees.
- 18.8 PUBLIC HEARING BY BOARD OF TRUSTEES: The Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.
- 18.9 PUBLIC NOTICE: If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

- 18.10 ACTION BY BOARD OF TRUSTEES: Within twenty (20) days after the public hearing, the Trustees shall either adopt or deny or adopt with modifications the recommendation thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Board of Trustees shall be required.
- 18.11 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT; REFERENDUM: Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of registered electors residing in the unincorporated area of Wayne Township equal to not less than eight percent (8%) of the total vote cast for all candidates in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.
- 18.12 SUBMISSION OF PETITION TO BOARD OF TRUSTEES: The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.
- 18.13 RESULT OF REFERENDUM: No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement. Upon certification by the Board of Elections that the amendment or supplement has been approved by the voters, it shall take immediate effect.
- 18.14 FEES: Each application for a zoning amendment or supplement, except those initiated by the Zoning Commission or Board of Trustees, shall be accompanied by the required application fee for such.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

ARTICLE XIX – DEFINITIONS

19.0 INTERPRETATION: All words used in the Zoning Resolution shall have their customary meanings as defined in Webster's New World Dictionary most recent published edition, except those specifically defined herein. Certain terms are herein defined for convenience and clarity and shall be used in the interpretation of the Zoning Resolution.

1. In all instances, the word "shall" is mandatory and not directory.
2. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individuals.
3. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
4. The word "lot" includes the words "plot" or "parcel".

19.1 TERMS: The following terms are defined for the purposes of the Zoning Resolution.

ACCESSORY: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT BOOK STORE: An establishment which utilizes 15 percent 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 electronically or mechanically controlled still 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 adult materials as defined in the Zoning Resolution.

ADULT ENTERTAINMENT BUSINESS: An adult bookstore, adult motion picture theater, adult motion picture drive-in theater, or any adult only entertainment establishment as defined by the Zoning Resolution.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable or arousing interest through sight, sound, or touch, and, which material is distinguished or characterized by emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

ADULT MOTION PICTURE DRIVE-IN THEATER: An open-air, drive-in theater that is regularly used or utilized 15 percent or more of its total viewing time for presenting, describing, or related to adult material as defined in the Zoning Resolution.

ADULT MOTION PICTURE THEATER: An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time for presenting

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in the Zoning Resolution.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in the Zoning Resolution; or which features exhibitions, dance routines, or gyration choreography or persons totally nude, topless, bottomless; or strippers (male or female); or female impersonators; or similar entertainment or services which constitute adult material.

AGRICULTURE: Agriculture is the use of land for agricultural purposes, as defined in Ohio Revised Code, Section 519.

ALLEY: An alley is a public right-of-way providing secondary access to abutting property. This excludes the use of the term “bowling alley.”

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

AUTOMOTIVE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collisions service, painting, and steam cleaning of vehicles.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT/CELLAR: A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

BEGINNING CONSTRUCTION: The beginning of construction is the incorporation of labor and materials within the walls of a building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building.

BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

BUILDING HEIGHT: The height of a building is the vertical distance from the top of the foundation to the highest point on the building roof.

CAMPGROUND: An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, used or intended to be used in connection with providing such accommodations.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the official schedule of district regulations.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals of Wayne Township to allow a use other than a principally permitted use or prohibited to be established within a district.

DISTRICT: A district is a portion of the unincorporated territory of Wayne Township governed by uniform regulations and requirements.

DWELLING: A dwelling is any building or portion thereof occupied or intended to be occupied for residence purposes only, but not including a tent.

DWELLING UNIT: Space with a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY: A single family dwelling is a building occupied or constructed to be occupied for residence purposes by one family or housekeeping unit.

DWELLING, TWO FAMILY: A two-family dwelling is a building occupied or constructed to be occupied by not more than two families or housekeeping units, and each unit having a separate entrance.

DWELLING, THREE FAMILY: A three-family dwelling is a building or portion thereof occupied, or constructed to be occupied by three families each having a separate entrance.

EASEMENT: Authorization by a property owner for the use by another, and for a specific purpose of any designated part of his or her property.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of underground gas, electrical,

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

steam, or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY: One or more persons occupying a single dwelling unit provided that all members are related by blood, adoption, or marriage. Family shall also include foster children and any other persons placed in the home by a court order.

FLOOR AREA: The sum of the gross horizontal area of a residential building or commercial building, excluding basement floor areas. All dimensions shall be measured on exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FRONTAGE: All the property fronting on one (1) side of a street between the two nearest intersecting streets, or other natural barriers.

GREENSPACE: Grass, lawn or other landscaped area that does not contain gravel, pavement or any structures except permitted fencing or walls.

HOME OCCUPATION: Business operated on residential property in conformance with this Resolution.

HOTEL: Every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, whether the rooms are in one or several structures.

JUNK YARD: Any open area where waste, discarded, abandoned, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards. (Refer to Ohio Revised Code Chapter 4737.)

LOADING SPACE, OFF STREET: An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

LOT: A lot is a parcel of land as defined by the Knox County Auditor's Office.

1. **LOT, CORNER:** A corner lot is a lot abutting upon two (2) or more streets at their intersection.
2. **LOT, DOUBLE FRONTAGE:** A double frontage lot is a lot having a frontage on two (2) non-intersecting streets.
3. **LOT DEPTH:** Lot depth is the mean horizontal distance between the front and the rear lot lines.
4. **LOT LINE, FRONT:** The front lot line is the line parallel to the road right-of-way.
5. **LOT LINE, REAR:** The rear lot line is the line opposite and most distant from the front lot line.
6. **LOT LINE, SIDE:** The side lot line is any line other than a front or rear lot line.
7. **LOT WIDTH:** Lot width is the width of the lot measured at the front setback line.

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

MOBILE HOME: A structure designed to be used for human habitation or storage of property being able to be easily equipped with wheels or other devices to be transported from place to place.

PERMANENT HOUSING: Mobile home permitted by the Board of Zoning Appeals to be in place indefinitely.

TEMPORARY HOUSING: Mobile home permitted by the Board of Zoning Appeals to be removed on a date certain.

MOBILE HOME PARK: Any site or tract of land upon which two (2) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes: including any roadway, building structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

NON-CONFORMITIES: A building, lot, structure or use of land existing at the time of enactment of the Zoning Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

NUDE OR NUDITY: The showing, presentation, or depiction of human male or female genitals, pubic area; or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or covered male genitals in a discernibly turgid state.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

PARKING SPACE: An area either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle or horse drawn vehicles.

PRINCIPAL: A land use or structure in which is conducted the primary main use of the lot on which said building is situated.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which the general public or a public entity have a right or which are dedicated, whether improved or not.

RECREATIONAL VEHICLES/TRAILERS: Any vehicle or structure, constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling of advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other power.

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

ROADSIDE STAND: A temporary structure designed exclusively for or used for the display or sale of agricultural products or related products produced on the premises upon which such stand is located.

SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, motor vehicles accessories may be supplied, and dispensed at retail, and is a conditional use.

SET-BACK LINE: A line established by the Zoning Resolution, generally parallel with and measured from the lot line or centerline of pavement of road, defining the limits of a yard in which no building other than a fence, wall or sign may be located above ground.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

SEWERS, CENTRALIZED: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEXUAL ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

- 1) **SIGN, ON-PREMISES:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- 2) **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such a sign is located.

STORY: That portion of a building, other than a cellar/basement including between the surface of any floor and the surface of the floor above it; if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A half-story shall mean a partial story under a gable, hip, or gabel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground among other things, structures including but not limited to buildings, buildings on skids, mobile homes, walls, solar panels, decks, fences, walls, wind turbines, patios, basketball courts, satellite dishes, signs and similar amenities.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

TOURIST CAMP: A group of attached or detached cottages, cabins, or similar buildings containing individual sleeping or living units for the accommodation of transient guests.

ZONING RESOLUTION

Wayne Township, Knox County, Ohio

USE: The specific purposes for which land or building is designated, arranged, intended, or for which it is or may be occupied or maintained.

YARD: An open space on the same lot unoccupied and unobstructed by structures except as otherwise provided in the Zoning Resolution.

1. **FRONT YARD:** Is an open space extending in full width of the lot between any part of a structure and the front lot line.
2. **REAR YARD:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal structure.
3. **SIDE YARD:** The side yard is an open space extending from the front yard to the rear yard between a structure and the side lot line. The width of a side yard is the shortest distance measured horizontally between any part of a structure and nearest side lot line.

ZONING CERTIFICATE: A document or written statement issued by the Zoning Inspector certifying compliance or non-compliance of the use of lots, the construction of buildings, structures, uses of land and structures and the characteristics of the uses permitted in the Zoning Resolution.

ZONING PERMIT: A document or written statement issued by the Zoning Inspector authorizing the use of lots, the construction of buildings, structures, uses of land and structures and the characteristics of the uses or the establishment of uses permitted in the Zoning Resolution.

ZONING INSPECTOR: Is the Administrative Officer or his/her authorized representative, as appointed by the Board of Trustees of Wayne Township to enforce and carry on the provisions of the Zoning Resolution.

ZONING MAP: The map or maps of the Township officially designating the boundaries of all zoning districts.