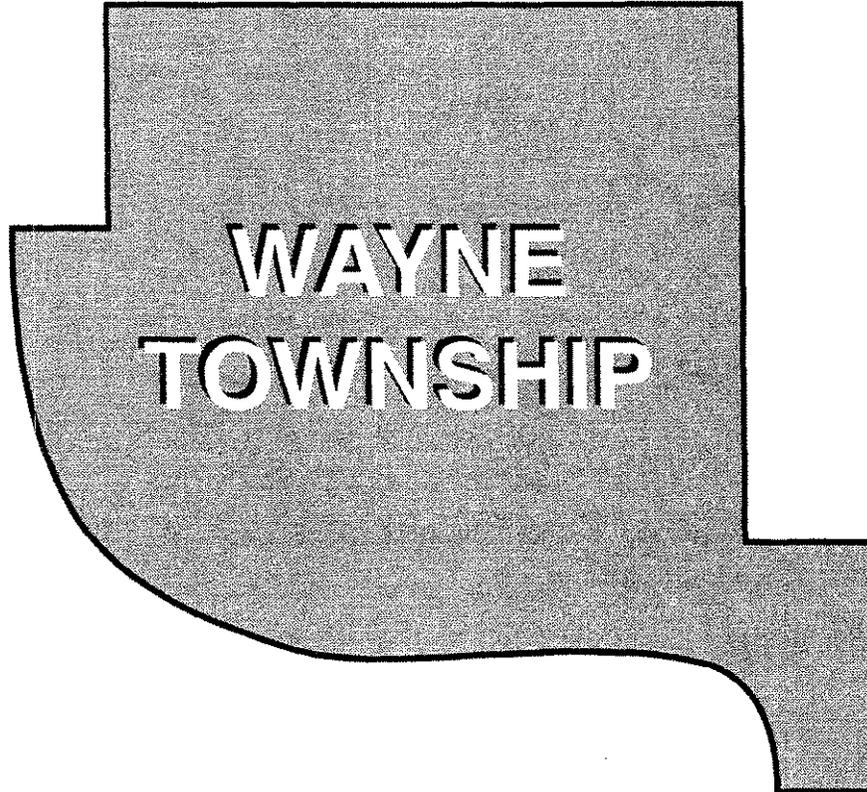


**RURAL ZONING RESOLUTION
OF
WAYNE TOWNSHIP
MUSKINGUM COUNTY
OHIO**



Effective July 1, 1988

Revised 7-5-89
Revised 7-2-92
Revised 10-6-94
Revised 6-2-2000
Revised 7-6-2021

Most recent amendments to the Zoning Laws will be on record in the Zoning
Inspector's office

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ARTICLE 1 -- TITLE, INTERPRETATION, ENACTMENT, AND CONFLICT

SECTION 100 -- Title

This resolution shall be known and may be cited as the Rural Zoning Resolution of Wayne Township, Muskingum County, Ohio.

SECTION 101 -- Purpose of Zoning

The purpose of the rural zoning resolution of Wayne Township shall be to promote the health, safety, and welfare of the citizens of Wayne Township.

SECTION 102 -- Provisions of Resolution Declared to be Minimum Requirements

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 103 -- Severability Clause

Should any section or provisions of this 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.

SECTION 104 -- Exemptions From This Resolution

This resolution does not apply to agricultural structures as defined in Section 301 (This does not include a dwelling unit used by the person engaged in the agricultural pursuit.).

This resolution does not apply to railroads, public utilities, motor freight carriers, or buildings owned by a political subdivision of the state of Ohio, such as highway equipment sheds, fire and police stations, public schools, and other public-owned buildings.

SECTION 105 -- Repeal of Conflicting/Resolution Effective Date

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law. All interested parties are encouraged to contact the Zoning Inspector or Township Fiscal Officer to obtain the most recent revision of this resolution.

ARTICLE 2 -- AMENDMENTS

SECTION 200 -- Procedure for Amendments or District Changes

This resolution may be amended by utilizing the procedures specified in Section 201-213 inclusive of this resolution.

SECTION 201 -- General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Trustees for Wayne Township may, by resolution after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 202 -- Initiation of Zoning Amendments

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

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Trustees for Wayne Township; or
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

SECTION 203 -- Contents of Application

Application for amendments to the Official Zoning Map adopted as part of this resolution by Article 11 shall contain at least the following information:

- A. Name, address, and phone number of applicant;
 - B. Proposed amendment to the text or legal description;
 - C. Present use;
 - D. Present zoning district;
 - E. Proposed use;
 - F. Proposed zoning district;
 - G. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require;
 - H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included when more than ten (10) parcels are to be rezoned;
 - I. A statement on how the proposed amendment relates to the comprehensive plan;
 - J. A fee as established by the Board of Trustees for Wayne Township.
- Application for amendments proposing to amend, supplement, change, or repeal portions of this resolution other than the Zoning Map shall include items A, B, I, and J listed above.

SECTION 204 -- Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Trustees for

Wayne Township or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

SECTION 205 -- Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Trustees for Wayne Township, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) or more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

SECTION 206 -- Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 205, notice of such hearing shall be given by the Zoning Commission in the daily newspaper of widest general circulation in the County at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

SECTION 207 -- Notice of Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by these regulations or the Board of County Commissioners. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 206.

SECTION 208 -- Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 205, the Zoning Commission shall recommend to the Board of Trustees for Wayne Township that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

SECTION 209 -- Public Hearing by Board of Trustees for Wayne Township

On receipt of the recommendation from the Zoning Commission, the Board of Trustees for Wayne Township shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the

recommendation from the Zoning Commission.

SECTION 210 -- Notice of Public Hearing in Newspaper

Notice of public hearing required in Section 209 shall be given by the Board of Trustees for Wayne Township in the daily newspaper of widest general circulation in the County. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SECTION 211 -- Notice of Property Owners by Board of Trustees for Wayne Township

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing may be mailed by the Fiscal Officer of the Board of Trustees for Wayne Township, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by these regulations or the Board of Trustees for Wayne Township. The notice shall contain the same information as required of notices published in newspapers as specified in Section 210.

SECTION 212 -- Action by Board of Trustees for Wayne Township

Within twenty (20) days after the public hearing required by Section 209, the Board of Trustees for Wayne Township shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event that the Board of Trustees for Wayne Township denies or modifies the recommendation of the Commission the unanimous vote of the Board of Trustees for Wayne Township is required.

SECTION 213 -- Effective Date and Referendum

Such amendment adopted by the Board of Trustees for Wayne Township shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Trustees for Wayne Township a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last proceeding general election at which a Governor was elected, requesting the Board of Trustees for Wayne Township to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of votes cast on the issue is in favor of the amendment. On certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

ARTICLE 3 -- DEFINITIONS

SECTION 300 -- Interpretation of Terms or Words

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement. The word "may" is a permissive requirement, and word "should" is a preferred requirement.
- D. The words "used" and "occupied" include the words "intended, designed, or arranged to be used, or occupied."

SECTION 301 – Definitions

All activities within Wayne Township will be in compliance with applicable sections of the Ohio Revised Code (ORC).

ACCESSORY USE OR BUILDING: An accessory use or building is a subordinate use or building customarily incident to and located on the same lot with the main use or building.

AGRICULTURE: Agriculture includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry of production.

AGRICULTURAL STRUCTURE: Any structure or building that is incident to the use for agricultural purposes of the land on which the building or structure is located, provided the building or structure is not used in the business of retail trade. A building or structure is not considered used in the business of retail trade if fifty (50) per cent or more of the gross income from sales of the products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

ALLEY: An alley is a strip of land, dedicated to public use, primarily to provide vehicular access to the side or rear of properties otherwise abutting on a street.

ALTERATION: Any change or addition to the supporting members or foundation of a structure or building.

Animal Unit: A unit of measure used to determine the total number of single non-domestic animal types or combination of animal types, which are fed, confined, maintained, or stabled for agriculture. One animal unit shall equal one (1) beef feeder/slaughter animal. Other animals have different equivalents

because they are larger or smaller and produce different amounts of manure.
Therefore, one (1) animal unit shall equal

- A. 6 chickens
- B. 4 turkeys
- C. 0.5 horses
- D. 0.5 cow
- E. 1 hog
- F. 2 sheep

AUTOMOBILE SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and in which repairs are made on the premises.

AUTOMOBILE WASH: A building housing facilities such as chain conveyors, blowers, and steam-cleaning and/or high-pressure devices for the washing and/or waxing of automobiles.

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

BED and BREAKFAST: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

BILLBOARD, OUTDOOR ADVERTISING SIGN: A fixed or portable appliance, structure or surface, including the supporting structure made necessary thereby, which is, or is to be erected on the ground or wall of a building or above the roof of a building and which is used, erected, intended, and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is or is to be located. The term "placed" as used in the definition of "Outdoor Advertising Sign" or referred to in connection with "Outdoor Advertising Structure" shall include: erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

BOARD: Board of Zoning Appeals.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, or other structures, whether stationary or removable, used for business or living purpose or portion thereof.

CAPABILITY: The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

CARPORT: A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in these regulations for a Private Garage.

CEMETERY: Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CLINIC: Any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.

COMMISSION: The Township Zoning Commission.

CONDITIONAL ZONING CERTIFICATE: A permit issued by the Zoning Inspector on approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, which requires a conditional zoning certificate from the Zoning Inspector with the approval of the Board of Zoning Appeals as regulated by this resolution.

DEDICATION: The act of legally setting apart to a definite use or service.

DISTRICT: Refers to the Zoning Districts established by this resolution. (Agriculture, Business, Residential, and Industrial).

DUMP: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, chemicals, waste material of any kind, junk, discarded machinery, vehicles or parts thereof, offal, dead animals, or toxic waste material.

DWELLING: Any building, or portion thereof, which is designed or used primarily for residence purposes, attached to a permanent foundation, and connected to Health Department approved water and sewer services.. An attached garage for purposes of determining the front, side, and rear yards, shall be considered a part of the dwellings.

DWELLING, SINGLE: A detached, independently standing building occupied or intended to be occupied exclusively for residential purposes by one (1) family or housekeeping unit and shall have a minimum floor space of seven hundred twenty (720) square feet.

DWELLING, MULTIPLE FAMILY: A detached, independently standing building occupied or intended to be occupied exclusively for residential purposes by more than one (1) family or housekeeping unit.

DWELLING UNIT: One or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating.

EASEMENT: An interest in land in the possession of another which entitles the owner of such interest to a limited use or enjoyment of the land in which the interest exists. An easement shall not become a right-of-way unless said easement meets all right-of-way specifications.

ESSENTIAL: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply, or disposal systems, including poles, wires, main drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

EXTRACTION OF NATURAL RESOURCES: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource (including but not limited to coal, sand, gravel, clay, stone, topsoil, and subsoil). The removal of topsoil and/or subsoil shall also be included when the extraction involves two hundred fifty (250) tons or more (thus requiring a State of Ohio Surface Mine Permit).

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling. A family may also include domestic servants and gratuitous guests.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, measured from the interior faces of exterior walls or common walls separating two (2) buildings. Floor area, for the purposes of this Resolution, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FRONTAGE: All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of a street.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

GARAGE, PUBLIC: A building, or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation and in which no repair work is carried on. Also, see Carport.

GARAGE, AUTOMOBILE SERVICE: A building or portion of a building, in which repairs are made to motor vehicles.

HOME OCCUPATION: Any use or profession customarily conducted entirely within a dwelling or accessory building and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof.

HOSPITAL: A building or structure containing beds and other facilities for overnight care of patients and devoted to medical diagnosis, treatment or other care of human ailments.

HOTEL: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

INSTITUTION: Building and/or land designed to aid individuals in need of mental therapeutic, rehabilitative counseling, or correctional services.

JUNKYARD: Any land or building used for abandonment, storage keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

LANDFILL: See Dump.

LAWN STORAGE BUILDING: A building or structure intended primarily for the storage of lawn and garden tools, equipment, and furniture, as long as it is not attached to the property.

LEGAL DESCRIPTION: For purposes of this resolution, legal description of property shall include information contained in Auditor's tax duplicate or a professional survey. Additional information may be required in some cases.

LOT: A space, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

LOT AREA: The computed area contained within the lot lines. When the lot has been conveyed to the center of the street, the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of this Resolution.

LOT, CORNER: A lot at the junction of and abutting upon two (2) intersecting streets.

LOT DEPTH: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The property lines defining the limits of a lot.

LOT LINE, FRONT: The line separating a lot from the street on which the lot fronts.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or more lots is called an interior side lot line.

LOT OF RECORD: A lot that is part of a subdivision, the map of which has been recorded in the office of the Recorder of Muskingum County; or a parcel of land, the deed of which was of record on or before the effective date of these regulations.

LOT, WIDTH OF: The width measured along the building line.

MANUFACTURED HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 U.S.C.A. 5401, 5403, and has a label or tag permanently affixed to it, as specified in 42 E.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME PARK: Any site, or tract of land under single ownership, upon which two (2) or more manufactured 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.

MINERAL, NATURAL RESOURCE: Any inorganic substance occurring naturally in the earth having a constant and distinctive set of physical properties without man-made changes.

MOBILE HOME, HOUSE TRAILER: A building unit or assembly of closed construction that is fabricated in an off-site facility and is more than thirty-five (35) body feet in length, or when erected on site is three hundred twenty (320) or more square feet and is transportable in one or more sections, and does not qualify under the regulation's definition of a Manufactured Home.

MOBILE HOME PARK: See definition of Manufactured Home Park.

MODULAR HOME: Any non-self-propelled vehicle transportable in one or more sections, when in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, which is not built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. It is generally hauled to a site on a vehicle or towed on an apparatus with wheels or runners.

MOTEL: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

NON-CONFORMING USE OR STRUCTURE: A building structure or use of land lawfully used and occupied at the time of the enactment of this resolution, which does not conform to the regulation of the district in which it is located.

NURSING HOME: A home or facility for the care and/or treatment of babies, children, pensioners, or elderly people.

OUTDOOR ADVERTISING SIGN: See Billboard definition.

OWNER: Includes but is not limited to any person owning a fee simple, fee tail, life estate, or a buyer on a land installment contract.

PARKING SPACE, OFF STREET: For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way.

PERMANENT FOUNDATION: A permanent masonry or concrete footing or a foundation approved by the Division of Industrial Compliance of the Department of Commerce pursuant to Chapter 4781 of the ORC, to which a manufactured or mobile home may be affixed.

PERMANENTLY SITED MANUFACTURED HOME: (1) The structure is affixed to a permanent foundation and is connected to appropriate facilities, (2) the structure, excluding any addition, has a width of at least twenty two (22) feet at one point, a length of at least twenty two (22) feet at one point, and a total living space of at least nine hundred (900) square feet, (3) the structure has as a minimum 3:12 roof pitch, conventional residential siding, and a six (6)-inch minimum eave overhang, including appropriate guttering, (4) the structure was manufactured after Jan. 1, 1995, and (5) the structure is not located in a Manufactured Home Park.

PREMISES: A lot or tract of land under one ownership and all the buildings or structures on it.

PROCESSING: Manufacturing, packaging, repairing, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not include the fabrication of structures.

PUBLIC UTILITY: Any persons, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing to the public electricity, gas, steam, telephone, telegraph, transportation, water, or any other similar public utilities.

RECREATION VEHICLE: A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacations and is commonly referred to as travel trailer, motor home, truck camper, fifth wheel trailer, or park trailer.

RETAIL SALES AND/OR SERVICE: The sale and/or service of any product or merchandise to customers for their own personal consumption and use, not for resale.

RIGHT-OF-WAY: A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, drainage facilities, and may include special features required by the topography, such as grade separation, landscaped areas, viaducts, and bridges. Right(s)-of-Way shall be at least sixty (60) feet in width for its entire length.

SETBACK LINES (Minimum Building): The lines parallel to the street right-of-way side and property lines and at a distance therefrom equal to the required depth of the front, side, and rear yards and extending across the full width and/or depth of the lot. When the established street right-of-way line, if any, cannot be ascertained, it shall be deemed to be thirty (30) feet from the central line of the existing roadway. When a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front set back line shall be measured from the proposed right-of-way.

SIGN: Any structure or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement which are located on premises of such person, institution, organization, or business. For the purpose of this zoning resolution the word "sign" does not include the flag, pennant, badge, or insignia of any government or governmental agency or any charitable, religious, educational, or similar organization, or any structure required by any law, ordinance, or governmental regulation.

SLAUGHTERHOUSE: An establishment where animals are butchered.

SMALL WIND FARM: Wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

STABLE: A building for the feeding and lodging of domesticated animals, especially having stalls for horses.

STICK BUILT HOME: A structure built on site from various building components,

such as wood, masonry, etc.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or that if there is no floor above it, then the space between the floor and the ceiling next above it not to exceed twelve (12) feet in height.

STREET, PRIVATE: A right-of-way, which provides vehicular and pedestrian access to commercial, industrial, and residential properties or structures dedicated for the use of said properties or structures but not for the use of the public or to be maintained by the public.

STREET, PUBLIC: A right-of-way, dedicated to public use, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated excepting, however, private streets.

STRUCTURE: Anything constructed or erected, use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, billboards, and signs.

SWIMMING POOL: A pool, pond, lake, or open tank containing at least one and one-half (1.5) feet of water at any point and maintained by the owner or manager.

THOROUGHFARE: A street, highway, road or alley.

TRAVEL TRAILER: See Recreational Vehicle.

TRUSTEES: The Board of Trustees for Wayne Township, Muskingum County, Ohio.

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

USABLE OPEN SPACE: The portion of a lot excluding the required front yard area that is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors.

USED CAR LOT: Any lot on which two (2) or more motor vehicles (which have been in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

VARIANCE: A modification of the strict terms of the relevant regulations in which such modification will not be contrary to the public interest not in conflict with the intent and purpose of this resolution when, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship, not solely financial, and provided that the granting of a variance shall not, in effect, constitute a rezoning of the parcel in question which may be issued by the Zoning Inspector on approval of the Board of Zoning Appeals.

YARD: The space between a lot line and the building line.

WAREHOUSE: Any building or structure used for the storage of goods or raw or finished materials.

TELECOMMUNICATION TOWER: Any free-standing structure or any structure attached to a building or other structure that meets the criteria outlined in Ohio Revised Code Section 519.211.

ZONING DISTRICT: Area of the unincorporated territory of Wayne Township within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being uniform for the zoning district in which they apply.

ZONING MAP: The Zoning Districts Map, Wayne Township, Muskingum County, Ohio. **ZONING PERMIT:** The document issued by the Zoning Inspector authorizing the use of the land or buildings.

ARTICLE 4 -- ADMINISTRATIVE BODIES AND RESPONSIBILITIES

SECTION 400 -- Office of Zoning Inspector Created

A Zoning Inspector appointed by the Wayne Township Trustees shall administer and enforce this resolution. The Zoning Inspector may be assisted by such other persons as the Board of Township Trustees may direct. Zoning Inspector shall be directly responsible to the Trustees.

SECTION 401 -- Zoning Inspector

It shall be the duty of the Zoning Inspector to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to the Zoning Inspector any new construction, land uses, or on seeing violations. Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided elsewhere in this Resolution.

SECTION 402 -- Duties of Zoning Inspector

For the purpose of this resolution the Zoning Inspector shall have the following duties:

- A. On finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
- B. Order discontinuance of illegal uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on Zoning Permit and such similar administrative duties as are permissible under the law.

SECTION 403 -- Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

- A. Composition and Appointment -- The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. The members shall be residents of the unincorporated area of Wayne Township. Each member shall serve for five (5) years, except that the terms of the original members shall be of such length, and so arranged that the term of one member will expire each year. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, on written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served on the member so charged at least ten (10) days before the hearing, either personally, by registered mail, or by leaving such copy at the person's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of

- the Board of Township Trustees and shall be for the unexpired term.
- B. Organization -- The Board of Zoning Appeals shall elect a Chairman from its membership, shall appoint a Clerk, who may be the Township Fiscal Officer, and shall prescribe rules for the conduct of its proceedings.
 - C. Quorum -- Three (3) members of the Board of Zoning Appeals shall constitute a quorum at all meetings. A concurring vote of three (3) members shall be necessary to affect an order, take action, make action, make decisions, or act on any authorization.
 - D. Meetings -- The Board of Zoning Appeals shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.
 - E. Witnesses -- The Board of Zoning Appeals may request the attendance of witnesses in all matters coming within the preview of the Board. The Board Chairman or Acting Chairman may administer oaths to such witnesses before accepting their testimony.
 - F. Proceedings -- The Board of Zoning Appeals, its Clerk, or in the absence of the Clerk, by a member designated as acting Clerk, shall keep a record of its proceedings, showing the vote of each member on each question, and shall maintain records of its official action, together with applications, and appeal documents separately as to each case. Such case files shall be filed in the office of the Board of Township Trustees and shall be a public record.
 - G. Powers and Duties -- The Board of Zoning Appeals shall have the following powers:
 - 1. The Board of Zoning Appeals shall have the power to hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
 - 2. The Board of Zoning Appeals shall have the power to authorize, on appeal in specific cases, such variance from the terms of the Zoning Resolution so that the spirit of this Resolution shall be observed and substantial justice done, and that such variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring land, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only when strict application of the provisions of this resolution would result in unnecessary hardship, not solely financial, and provided that the granting of a variance shall not, in effect, constitute a rezoning of the parcel in question.
 - H. Appeals -- Appeals to the Board of Zoning Appeals may be made by any person or by any officer, board, or department of Wayne Township, deeming to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board of Zoning Appeals has original jurisdiction. Such appeal shall be made within twenty (20) days after the decision. Any appeal

shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed, shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within sixty (60) days after date of hearing.

- I. Procedure -- The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- J. Notice of Hearings -- When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal at least ten (10) days before the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Such hearings shall be advertised 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. The Board of Zoning Appeals at its discretion may send out further notices to publicize such hearings. The Board of Zoning Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.
- K. Decisions -- A certified copy of the Board of Zoning Appeals 's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector and shall incorporate the terms and conditions of the same in the zoning certificate or conditional zoning certificate to the applicant or appellant, whenever a permit is authorized by the Board of Zoning Appeals. A decision of the Board of Zoning Appeals shall not become final until the expiration of ten (10) days from the date such decision is made, unless the Board of Zoning Appeals shall find that the decision taking effect immediately is necessary for the preservation of property or personal rights and shall so certify on the record.

SECTION 404 -- Zoning Commission Created

A Zoning Commission is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

- A. Composition and Appointment -- The Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated area of Wayne Township. Each member shall serve for five (5) years, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, on written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served on the member so charged at least ten (10) days before the hearing personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.
- B. Organization -- The Commission shall elect a Chairman from its membership, shall appoint a Clerk, who may be the township Fiscal Officer, and shall prescribe rules for the conduct of its proceedings.
- C. Quorum -- Three (3) members of the Commission shall constitute a quorum at all meetings. A concurring vote of three (3) members shall be necessary to affect an order, take action, make action, make decisions, or act on any authorization.
- D. Meetings -- The Commission shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Commission shall be open to the public. In addition the Commission shall meet no less than one (1) time per year, if for no other purpose than to elect officers.
- E. Witnesses -- The Commission Chairman or Acting Chairman may administer oaths, and the Commission may compel the attendance of witnesses in all matters coming within the purview of the Commission.
- F. Proceedings -- The Commission, its Clerk, or in the absence of the Clerk, by a member designated as acting Clerk, shall keep a record of its proceedings, showing the vote of each member on each question, and shall maintain records of its official action, together with applications, and appeal documents separately as to each case. Such case files shall be filed in the Office of the Township Trustees and shall be a public record.
- G. Duties of Zoning Commission -- For the purpose of this resolution the Commission shall have the following duties:
 - 1. Initiate proposed amendments to this resolution;
 - 2. Review all proposed amendments of this resolution and make recommendations to the Board of Township Trustees.

ARTICLE 5 -- ENFORCEMENT OF RESOLUTION: ZONING PERMITS, APPEALS, VARIANCES, AND CONDITIONAL ZONING CERTIFICATES

SECTION 500 -- Purpose

Since in the past, zoning has often been criticized on the basis of rigidity and its unrealistic requirements in special situations, some provision has been made to cope with this problem. In the sections that follow several mechanisms are outlined which provide for relief from rigidity enforcement of the Township Zoning Resolution when such enforcement may create unduly harsh results. These provisions are set forth with the thought in mind of permitting a certain amount of flexibility to citizens and investors in the community and at the same time protecting surrounding properties as well as the entire community from uses that might be out of character in such district.

SECTION 501 – Zoning Permits

- A. Conditions Under Which Zoning Permits Are Required -- A Zoning Permit is required for all new construction that will be attached to property and larger than one hundred (100) square feet. A Zoning Permit is also required for change in the use of existing building, use of vacant land, or use of land or a non-conforming use. Notwithstanding the above, the Ohio Law does not confer any power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure.
- B. Conditions Under Which Zoning Permits Are Not Required -- A Zoning Permit is not required for any alteration to any existing building or structure that does not increase the gross floor area, as in the case of remodeling or maintenance repairs of existing building or structure. A Zoning Permit is not required for the construction of a fence. A Zoning Permit is not required for the construction or erection of a lawn storage building not attached to the property.
- C. Application and Issuance of Zoning Permits -- Written application for a Zoning Permit for the construction of a building, change in the use of an existing building, use of vacant land, or the change in the use of land or a non-conforming use shall be made to the Zoning Inspector. If the proposed use is in conformance with the provisions of this Resolution, the Zoning Inspector shall issue the zoning certificate therefor within twenty (20) days after the application has been made.
- D. Contents of Application for Zoning Permits -- The application for a Zoning Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information.
 - 1. Name, address, and phone number of applicant.
 - 2. Legal description of property; (Auditor's Parcel #).

3. Existing use.
 4. Proposed use.
 5. Zoning district.
 6. A plan, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations. All commercial buildings must have plans approved by the Muskingum County Building Department, and applicant shall show plan approval to the Zoning Inspector.
 7. A copy of a site evaluation issued by the Muskingum County Health Department outlining an approved sewage system must accompany the Zoning Permit Application.
 8. Number of off-street parking spaces or loading berths, yard open space, and parking space dimensions.
 9. Number of dwelling units, sleeping rooms, occupants, employees, and other uses.
 10. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this Resolution.
- E. Approval of Zoning Permits -- Within twenty (20) days after the receipt of an application. The Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by a signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.
- F. Expiration of Zoning Permits -- If the work described in any Zoning Permit has not begun within one (1) year from the date of issuance thereof, 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 begun within one (1) year and substantially completed within two and one-half (2 1/2) 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 permit shall not proceed unless and until a new permit has been obtained or extension granted.
- G. Record of Zoning Permits -- The Zoning Inspector shall maintain a record of all Zoning Permits, and copies shall be furnished on request of any person.
- H. Failure to Obtain a Zoning Permit -- Failure to obtain a Zoning Permit shall be a violation of this Resolution and punishable under Section 508 of this Resolution.

SECTION 502 – Procedure Regarding Appeals, Variances, and Conditional Zoning Certificates

The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Resolution involved and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

- A. Public Hearing by the Zoning Board of Appeals -- When a notice of appeal, variance, or conditional zoning has been filed in proper form with the Board of Zoning Appeals, the Chairman shall immediately place the said request for appeal on the calendar for hearing. The Board of Zoning Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.
- B. Notice of Public Hearing in Newspaper -- Before holding the public hearing notice of such hearing shall be given in the daily newspaper of widest general circulation in the County at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal, variance, or conditional use.
- C. Notice to Parties of Interest -- Before holding the public hearing notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest, including but not limited to, adjoining land owners. The notice shall contain the same information as required of notices published in newspapers.
- D. Action by Board of Zoning Appeals -- Within thirty (30) days after the public hearing the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove the request for appeal for variance or conditional use. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance or conditional use that will make possible a reasonable use of the land, building, or structure. If the request for appeal of variance or conditional use is denied, the applicant may seek relief through the Court of Common Pleas.
- E. Supplementary Conditions and Safeguards -- In granting any appeal, variance, or conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal, variance, or conditional use is granted, shall be deemed a violation of this Resolution and punishable as prescribed elsewhere in this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow use not permissible under the terms of this Resolution in the district involved or any use expressly or by implication prohibited by the terms of this Resolution in said district.
- F. Decisions -- A certified copy of the Board of Zoning Appeals 's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector and the Zoning Inspector

shall incorporate the terms and conditions of the decision in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever a permit is authorized by the Board of Zoning Appeals. A decision of the Board of Zoning Appeals shall not become final until the expiration of ten (10) days from the date such decision is made, unless the Board of Zoning Appeals shall find that the decision taking effect immediately is necessary for the preservation of property or personal rights and shall so certify on the record.

- G. Fees -- Any application for a certificate or variance or any appeal to the Board of Zoning Appeals shall be accompanied by a minimum deposit as established by the Board of Trustees for Wayne Township. In the event the Board of Trustees for Wayne Township may find it necessary to call on report or testimony in the fields of planning, law, engineering, architecture or similar field, the cost deposit required may be increased to an amount sufficient to cover such additional costs.

SECTION 503 -- Appeals

- A. Appeals -- Appeals to the Board of Zoning Appeals may be made by any person or by any officer, board, or department of Wayne Township, deeming to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board of Zoning Appeals has original jurisdiction. Such appeal shall be made within twenty (20) days after the decision. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly, or in part or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within sixty (60) days after date of hearing.
- B. Stay of Proceedings -- Any appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Appeals or by a Court having lawful jurisdiction.

SECTION 504 -- Variances

- A. Variance -- The Board of Zoning Appeals may authorize on appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or building in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered on the grounds of convenience or profit, but only when strict application of the provisions of this Resolution would result in unnecessary hardship.

- B. Application and Standards for Variances -- A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:
1. Name, address, and phone number of applicant;
 2. Legal description of property (Auditor's Parcel #);
 3. Description of nature of variance requested and sight plan when appropriate;
 4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
- C. A variance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection D of this Section have been met by the applicant.

SECTION 505 -- Conditional Zoning Certificate

- A. Application for Conditional Zoning Certificate -- Written application for a Conditional Zoning Certificate shall be made with the Chairman of the Board of Zoning Appeals by at least one (1) owner or lessee of property for which such Conditional Zoning Certificate is proposed.
- B. Contents of Application for Conditional Zoning Permit -- The application for a Conditional Zoning Certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:
1. Name, address, and phone number of applicant;
 2. Legal description of property; (Auditor's Parcel #)
 3. Existing use;
 4. Proposed use;
 5. Zoning district;
 6. Plan showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations. All commercial buildings must have plans approved by the Muskingum County Building Department and applicant shall show plan approval to the

- zoning inspector.
7. A copy of a site evaluation issued by the Muskingum County Health Department outlining an approved sewage system must accompany the zoning permit application.
 8. Number of dwelling units, sleeping rooms, occupants, employees, and other uses;
 9. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
- C. Conditions Under Which Conditional Zoning Certificates are Required -- Conditional Zoning Certificates shall be required for any of the following:
1. Uses permitted in Paragraph B of Section 800 of Article 8 of this Resolution.
 2. Uses permitted in Paragraph B of Section 801 of Article 8 of this Resolution.
 3. Uses permitted in Paragraph B of Section 802 of Article 8 of this Resolution.
 4. Uses permitted in Paragraph B of Section 803 of Article 8 of this Resolution.
- D. Expiration of Conditional Zoning Certificates -- If the work permitted by any Conditional Zoning Certificate has not been completed within six (6) months, (unless a longer time was asked for and granted by the Board of Zoning Appeals), said permit shall expire; it shall 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 canceled conditional certificate shall not proceed unless and until a new conditional zoning certificate has been issued by the Board of Zoning Appeals.

SECTION 506 -- Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangements set forth in such approved plans and applications of amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed to be a violation of this Resolution and punishable as provided in Section 508 of this Resolution.

SECTION 507 -- Complaints Regarding Violations

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

SECTION 508 -- Penalties for Violation

Violation of this Resolution and violations of the Ohio Township Zoning Code are punishable by a fine of not more than five hundred dollars for each offense. Each

day's continuance of a violation may be deemed a separate offense. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participated in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

SECTION 509 -- Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall establish, by resolution, a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application of appeal, variance, or request for conditional use.

ARTICLE 6 -- SIGNS

SECTION 600 -- Purpose

The purpose of this Article is to provide for the use, location, and size of signs throughout the Township in an orderly manner that will promote traffic safety, provide for adequate identification of uses, and minimize the confusion and unsightliness of the use of an excessive number of signs or signs of excessive size.

SECTION 601 -- Signs Permitted in Any District

The following signs are permitted in any district:

- A. One (1) non-illuminated sign advertising the sale or lease of the lot or building not exceeding nine (9) square feet in area on any lot. A Zoning Permit shall be required if a sign exceeds nine (9) square feet.
 - B. Signs appropriate to a public or semipublic building for the purpose of displaying the name and activities or services therein provided not larger than a total of twenty (20) square feet and restricted to the premises; subject to regulations contained in Section 603.
 - C. Signs incidental to legal process and necessary to the public welfare.
- No sign shall extend into any highway or street right-of-way.

SECTION 602 -- Signs Permitted in Business and Industrial Districts

Business signs are permitted in a business or industrial district. Billboards are permitted only in Business and Industrial Districts. Such signs are subject to the following regulations.

- A. Location
 1. Business signs may be fixed flat against the wall of buildings or may project not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building.
 2. No business sign or billboard shall be erected closer than one hundred fifty (150) feet to any intersection with the exception of those signs incidental to legal process and necessary to the public welfare of those signs attached to a building or structure, unless they are placed so as not to obstruct the view or cause a traffic hazard.
 3. All business signs and billboards erected beyond one hundred fifty (150) feet of an intersection must be erected so as not to obstruct view or cause a traffic hazard.
 4. All billboards shall be required to meet the minimum setback requirements of the district in which they are located.
 5. No business sign or billboard shall be located on or project into a public right-of-way.
- B. Construction
 1. No business sign or billboard shall be constructed so as to be a nuisance or be detrimental to the surrounding land uses.
 2. Maximum size of business signs shall be two hundred (200) square feet per side with a total sign area not to exceed four hundred (400) square

feet, exclusive of base, poles, or other types of support. Maximum size of billboards shall be five hundred fifty (550) square feet per side exclusive of base, poles, or other types of support.

3. No-free standing billboard shall have less than three (3) feet of bottom open space along its entire length. Latticing shall be regarded as satisfying this requirement.

C. Illumination

1. Any business sign or billboard illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred fifty (150) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light of such sign any colors appearing in the traffic control signal or have any blinking, flashing, or revolving light.
2. Any illuminated business sign or billboard shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

SECTION 603 -- Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under applicable provisions of this Resolution.

SECTION 604 -- Penalties for Violation

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

ARTICLE 7 -- MANUFACTURED HOMES, MOBILE HOMES, AND RECREATIONAL VEHICLES

SECTION 700 -- Purpose

It is the intent of this article to regulate manufactured homes, mobile homes and recreational vehicles in compliance with Ohio law.

SECTION 701 -- Permanently Sited Manufactured and Mobile Home – Permitted

Every manufactured or mobile home that is constructed in accordance with applicable federal standards and is a permanently sited manufactured or mobile home is a permitted use in any district or zone in which single-family homes are a permitted use. Such permanently sited manufactured or mobile home must comply with all zoning requirements that are uniformly imposed on all single-family residences in a district or zone in which the home is or is to be located, except requirements that specify a minimum roof pitch greater than 3:12 and requirements that do not comply with applicable federal law.

SECTION 702 -- Manufactured And Mobile Homes - Prohibited: Exceptions

Manufactured and mobile homes that are not permanently sited or do not meet the other requirements set forth in Section 701 are prohibited and may not be located or utilized within Wayne Township, except as follows:

- A. Manufactured or mobile homes that are not permanently sited, or that do not meet the requirements of Section 701 hereof, may be located within manufactured or mobile home parks as established and operated under Ohio Revised Code Chapter 3733 if such parks permit the location of such manufactured or mobile homes that are not permanently sited.
- B. A manufactured or mobile home for residential purposes may be permitted in certain districts of Wayne Township by the Board of Zoning Appeals under a Conditional Zoning Certificate for the following.
 1. Purposes. - A Conditional Zoning Certificate for a manufactured or mobile home may be granted for the following purposes:
 - a. To provide temporary housing in a manufactured home for the immediate members of a family (children, mother, father, sister, brother only) residing in the dwelling already constructed on the lot or parcel of land for which housing is required due to illness or temporary disability. The use of the manufactured home shall be limited to the duration of sickness or disability and must be proven by a doctor's statement of necessity for the assistance and care of others, or
 - b. To provide housing for members of a family who had been residing in a dwelling destroyed or damaged by fire, flood, storm, or any similar act of God so as to render the dwelling house uninhabitable. Said manufactured home shall be used for this housing for a period not to exceed one (1) year, while the dwelling is being rebuilt or repaired, and no longer period.
 2. Conditions and Regulations - All applicants under Section 702B.1. a or b,

must meet all of the conditions and regulations listed below:

- a. The certificate in question shall be issued only after the applicant has submitted a copy of a site evaluation issued by the Muskingum County Health Department.
 - b. All manufactured and mobile homes shall have adequate health facilities available, including running water inside the manufactured or mobile home and toilet facilities connected to a sanitary sewage system approved by the Muskingum County Health Department.
 - c. All such manufactured or mobile homes shall have a minimum floor space of seven hundred twenty (720) square feet.
 - d. Location of the manufactured or mobile home shall be limited to the rear of the existing dwelling house being constructed or replaced.
 - e. The location of the manufactured or mobile home must meet all of the existing setback, side yard, and rear yard regulations set forth in this Resolution for accessory buildings in the district where the manufactured home or mobile home is to be located.
 - f. All manufactured or mobile homes shall be skirted about the foundation.
- C. An application for a Conditional Use Zoning Certificate to install a manufactured home as set forth above may be denied if the Board of Zoning Appeals finds anyone or more of the following:
1. Two or more property owners within a one-half (1/2) mile radius from the property line object to the proposed installation, or
 2. Less than ten (10) percent of the existing structures in a one-half (1/2) mile radius are manufactured homes, or
 3. The proposed installation as described in the application will not be harmonious and appropriate in appearance with the existing and intended character of the general vicinity, or
 4. The proposed installation as described in the application is in violation of this Zoning Resolution or other provisions of Ohio law.

SECTION 703 -- Recreational Vehicles/Office Facilities

- A. One recreational vehicle may be placed on a lot that contains a dwelling house used for residence purposes.
- B. A recreational vehicle placed on a lot shall not be used for residence, business, or storage purposes at any time.
- C. No permit or fee shall be required for a recreational vehicle under this Section.
- D. Any temporary office or storage facility used in connection with any construction of a permanent nature for a period of time not to exceed one (1) year may be placed on real estate. A certificate for the purpose set forth in this Section may be extended on a yearly basis on application to the Board of Zoning Appeals for a renewal certificate.

SECTION 704 -- General Standards For Manufactured And Mobile Home Parks

The Zoning Commission shall review the particular facts and circumstances of each proposed manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

- A. Will be consistent with the intent and purpose of this Resolution and the comprehensive plan;
- B. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance;
- C. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- D. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- E. Will not be hazardous or detrimental to existing or future neighboring uses; and
- F. Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

ARTICLE 8 -- ZONING DISTRICT REGULATIONS

SECTION 800 -- Agricultural "A" District

A. Permitted Uses

1. Agriculture, farming, truck gardening, nurseries, dairying and sales of items raised on the premises.
2. One-family dwellings.
3. Publicly owned and operated properties.
4. Roadside stands offering for sale agricultural products.
5. Accessory buildings and uses customarily incidental to any of the above permitted uses including signs indicating the sale, lease, or hire of a building or structure or premises or any material that is produced, manufactured, grown, or treated on the property, provided, however, that such sign shall be located off of the public right-of-way of any street or road.

B. Permitted uses requiring a Conditional Zoning Certificate from the Board of Zoning Appeals.

1. Individual manufactured homes.
2. Multiple family dwellings.
3. Extraction, processing and storing of minerals or raw materials which are extracted from the same property on which they are to be processed, treated or stored.

The Board of Zoning Appeals may grant approval and may attach such conditions and safeguards as it deems necessary to protect neighboring properties from fire hazards or smoke, dust, noise, odor, or any other detrimental or obnoxious effects that may result from the proposed activity. In addition the Board of Zoning Appeals may require a written agreement from the owners of such operation that the land involved shall be reclaimed to as near an original state as is practical.

4. Cemeteries.
5. Amusement parks, playgrounds, golf courses, and other privately owned outdoor recreational activities.
6. Drive-in theaters subject to the conditions that the Board of Zoning Appeals may dictate.
7. Commercial radio and television transmitters and relay antennas.
8. Nursing home.
9. Private airports and landing fields.
10. Home occupations
11. Hotels, motels, bed and breakfasts

C. Prohibited uses

1. Dumps, Landfills
2. Junkyards
3. Manufactured Home Parks
4. Any other use not specifically permitted in this Section.

SECTION 801 -- Residence "R" District

- A. Permitted uses
 - 1. Any use, building, or structure permitted and as regulated in the Agricultural "A" District, except as modified by this Section.
 - 2. Churches and other places of worship, including Sunday School buildings and parish houses.
 - 3. Public and private schools, including nursery schools and child day care centers.
 - 4. Accessory uses and buildings customarily incidental to any of the above permitted uses.
 - 5. The following regulations shall apply to those Agricultural Uses within these districts.
 - a. All buildings, exterior storage, refuse, or supplies shall be set back a minimum of one hundred (100) feet from all lot lines.
 - b. A maximum of one Animal Unit shall be permitted per acre with a maximum of 5 total Animal Units permitted. For lots smaller than an acre, the allowable Animal Units will be prorated. No exotic animals allowed.
- B. Permitted uses requiring a Conditional Zoning Certificate from the Board of Zoning Appeals.
 - 1. Individual manufactured homes.
 - 2. Multiple family dwelling.
 - 3. Playgrounds, golf courses, and other privately or publicly owned outdoor recreational activities (except miniature golf and practice driving ranges, and other similar uses the chief activity of which is customarily carried on as a business), provided that any building shall be located at least one hundred (100) feet from any residence.
 - 4. Hospitals and institutions of an education, religious, charitable, or philanthropic nature, provided that such building be located at least one hundred (100) feet from any residence.
 - 5. Home occupations.
- C. Prohibited uses
 - 1. Dumps, landfills
 - 2. Junkyards
 - 3. Manufactured Home Parks
 - 4. Any other use not specifically permitted in this Section.

SECTION 802 -- Commercial "B" District

- A. Permitted uses
 - 1. Any use, building, or structure permitted and as regulated in the Residence "R" District, except as modified by this Section.
 - 2. Retail stores or shops, repair shops, mercantile establishments, banks, and other financial services.
 - 2. Restaurants, taverns, lunch rooms, diners, including drive-in eating and drinking establishments, hotels, motels, and bed and breakfasts.
 - 3. Gasoline and motor vehicle fuel filling stations.
 - 4. Business and professional offices, including medical offices and clinics.

5. Barbershops and beauty shops, laundromats, and dry cleaning, tailoring and dressmaking, and other similar personal services.
 6. Automobile, truck, trailer, manufactured home, and other vehicle establishment offering the sale, display, lease, hire, and/or major repair of vehicles.
 7. Building material sales and storage yards, including millwork and prefabrication.
 8. Bowling alleys, dance halls, billiard and pool halls, skating rinks, and similar indoor recreational uses.
 9. Miniature golf courses, practice driving ranges, and similar outdoor recreational uses which are normally operated as a business.
 10. Animal hospitals, veterinary clinics, and kennels.
 11. Wholesale sales and warehouse that are operated within a completely enclosed building.
 12. Bottling, creamery and dairy operations, ice cream and candy manufacturing, ice plants, and distribution centers.
 13. Accessory uses and buildings or structure incidental to any of the above permitted uses.
 14. Any use determined by the Board of Zoning Appeals to be of the same general character as the above uses.
- B. Permitted Uses requiring a Conditional Zoning Certificate from the Board of Zoning Appeals
1. Individual manufactured homes.
 2. Multiple family dwelling.
 3. Playgrounds, golf courses, and other privately or publicly owned outdoor recreational activities (except miniature golf and practice driving ranges, and other similar uses the chief activity of which is customarily carried on as a business), provided that any building shall be located at least one hundred (100) feet from any residence.
 4. Hospitals and institutions of an education, religious, charitable, or philanthropic nature, provided that such building be located at least one hundred (100) feet from any residence.
 5. Home Occupations.
 6. Commercial baseball fields, swimming pools, shooting ranges, and similar outdoor recreational uses.
 7. Trucking, express or hauling terminals, or transfer terminals, including the storage of vehicles.
 8. Storage of flammable liquids, above ground, other than for use on the premises.
 9. Manufactured Home Park.

C. Prohibited uses

Any uses not specifically permitted by this Section are prohibited in the Commercial "B" District.

SECTION 803 -- Industrial "I" District

A. Permitted uses

1. Any use, building, or structure permitted and as regulated in the Commercial "8" District except as modified by this Section.
 2. Light manufacturing activities (including the production, processing, assembly, cleaning, testing, and distribution of materials, goods, foodstuffs, and products) provided such activities are carried on, within fully enclosed buildings or structures and do not involve or create a dangerous, toxic, hazardous, or explosive non-fuel product as a result of such activity.
 3. Light industrial uses such as printing and publishing plants; scientific (research, testing, experimental) and processing laboratories; bulk material or machinery storage; warehouses; trade shops; cleaning, dyeing, and refinishing plants; monument works; light metal fabrication shops; or food processing and packing plants, provided such uses are carried on within fully enclosed buildings or structures.
 4. Accessory buildings, structures, and uses incidental to the above permitted uses.
 5. Mixing plants for asphalt, cement, mortar, or plaster; fuel generation or resource recovery plants; commercial grain elevators, meatpacking and slaughter houses, and commercial stockyards operated on a continuing basis.
 6. Any other light industrial use as determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.
 7. Any use or activity that requires unenclosed structures for the storage of bulk materials, equipment, or raw materials, components of finished products or products outside of unenclosed buildings.
- B. Permitted uses requiring a Conditional Zoning Certificate from the Board of Zoning Appeals
1. Heavy manufacturing facilities such as foundries and structural metal fabrication plants; chemical, distilling or manufacturing facilities; motor and rail terminals; or manufacture of raw materials.
 2. Junkyards, provided such use be located not less than one hundred (100) feet from any street, road, and not less than one thousand (1000) feet from any residence, school, hospital, or human care facility, and is enclosed on all sides by barrier or fence at least six (6) feet in height, and constructed and maintained of non-transparent material so as to obscure the junkyard from ordinary view.
 3. Any use or activity involving a dangerous, toxic, hazardous or explosive material or non-fuel liquid in the manufacture or process activity or as a finished component, product, or by-product.
 4. Any other industrial or manufacturing use as determined by the Board of Zoning Appeals to be of a similar character as the above permitted uses and will not emit noise, dust, vibration, heat, odor, or other negative effects beyond the limits of its lot.
- C. Prohibited uses
1. Any use or activity not specifically provided for by this Section are prohibited in the Industrial "I" District.

ARTICLE 9 -- PARKING FACILITIES

SECTION 900 -- Parking Facilities

- A. All dwellings shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit or apartment. Not less than one hundred sixty-two (162) square feet of area shall be deemed necessary for each such vehicle.
- B. All Class "B" District uses shall provide parking space off the road or street, outside of the public right-of-way, and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than one hundred (100) square feet for each one hundred (100) square feet of area of the first floor of said establishment that it serves.
- C. Every theater, auditorium, stadium, arena, building, or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment, and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles for every four (4) persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall be provided with adequate means of ingress and egress, and shall be available for the use of such patrons.
- D. All Class "B" Districts and Class "I" District uses shall provide, in addition to parking facilities referred to above, one parking place for each two (2) employees and one (1) parking place for each vehicle used in the business.

ARTICLE 10 -- NON-CONFORMING USES

SECTION 1000 – Non-Conforming Uses

- A. A non-conforming use existing at the time the Zoning Resolution takes effect may be continued, except that if it is voluntarily 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.
- B. 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.
- C. 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 two (2) years from the date of said destruction.
- D. A building or structure devoted to a non-conforming use at the time the Zoning Resolution takes effect may not be altered or enlarged unless or until a application for variance has been submitted and approved by the Board of Zoning Appeals in accordance with Article 5 of this Resolution.
- E. 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.

ARTICLE 11 -- PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 1100 -- Official Zoning Maps

The districts established in Article 8 of this Resolution as shown on the Official Zoning Maps which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

SECTION 1101 -- Identification of the Official Zoning Maps

The Official Zoning Maps shall be identified by the signature of the Chairman of the Board of Trustees for Wayne Township and attested by the Fiscal Officer.

SECTION 1102 -- Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of any of the zoning district as shown on the Official Zoning Maps, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Maps;
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track of said railroad line;
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township, unless otherwise indicated.
- F. Where the boundary of a district is not bounded by one of the above mentioned landmarks, the boundary shall be deemed to be three hundred (300) feet from the center of the adjacent street or roadway.

ARTICLE 12 -- LOT DIMENSIONS AND SET-BACK REQUIREMENTS

SECTION 1200 -- Minimum Lot Area

- A. Category of lot.
 - 1. With individual sanitary sewer and/or water facilities.
 - 2. With community sanitary sewer facilities as acceptable to the County and/or State Health Department. The water system to be community or individual as acceptable to the County and/or State Health Department.
- B. No single family dwelling shall be erected or building altered to accommodate one family as a residence in Section 1200, Category "A.1" on less than twenty thousand (20,000) square feet unless such lot was designated on a recorded plat or separately owned at the time the Zoning Resolution takes effect and cannot practicably be enlarged to conform with this requirement; in Section 1200, Category "A.2" on less than a lot area of six thousand five hundred (6,500) square feet of lot area.
- C. No multiple family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than twenty thousand (20,000) square feet of lot area per family in Section 1200, Category "A.1". In Section 1200 "A.2" on less than five thousand-two hundred (5,200) square feet of lot area per family.
- D. No dwelling units over a business establishment shall be erected or a building altered into dwelling units to accommodate more than one family for each two thousand five hundred (2,500) square feet of lot area in both Section 1200 Categories "A.1" and "A.2".
- E. Lot area computations shall start thirty (30) feet from center of the right-of-way unless the right-of-way is now or is contemplated to be of more than sixty (60) feet wide, in which case the computation starts at the edge of the right-of-way.

SECTION 1201 -- Setback Lines

No building or structure or any portion thereof erected in any district, except steps and uncovered porches less than ten (10) feet in width, shall be erected within thirty (30) feet of the right-of-way side line of any road or street. If there is no established right-of-way for any road or street, said setback line shall be deemed to be thirty (30) feet from the center line of the road or street.

SECTION 1202 -- Sideyards

For every building or structure erected in any district there shall be a minimum side lot clearance on each side of said building or structure. Said clearance shall not be less than five (5) feet. This setback requirement also applies to all accessory buildings.

SECTION 1203 -- Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the street side should conform to the setback line for an inside lot

on said road or street, but in no event shall it be less than thirty (30) feet.

SECTION 1204 -- Rear Yards

For every building or structure erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

SECTION 1205 -- Rear Houses

No dwelling shall be erected or altered or used unless the same shall have access to a public street, and, if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty (20) feet in width, and such reserved strip may not form a part of any lot width or lot yard or lot area required by this Zoning Resolution. If more than one dwelling is located in the rear of another building and has no immediate street frontage, the said easement for access shall be not less than forty (40) feet in width and each additional said rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling was located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the County Recorder.

ARTICLE 13 -- TELECOMMUNICATION TOWERS

SECTION 1300 -- Purpose

The purpose of this Article of the Zoning Resolution is to: 1) encourage the location of telecommunication towers in non-residential areas and to minimize the total number of towers; 2) encourage the joint use of new and existing towers; and 3) encourage telecommunication companies to locate towers in areas of the township where the adverse impact on the community will be minimal.

SECTION 1301 -- General Requirements

- A. Except as provided in Ohio Revised Code Section 519.211 and Section 1301 (C) 1-8 of this Resolution with respect to any telecommunication tower that is owned or used by a public utility, and proposed to be located in an area zoned for residential use, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of any land by a public utility for the operation of its business.
- B. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a telecommunication tower in an area zoned for residential use, the public utility shall provide evidence satisfactory to the Board of Trustees for Wayne Township about compliance with the notice provisions of Ohio Revised Code Section 519.211 (B). When constructing the tower in any other zoning district, the applicant must comply with Ohio Revised Code 519.211, paragraph E, relating to the requirement that all owners and occupants of residential dwellings within one hundred (100) feet of a proposed tower must be notified, in writing, of the intent to construct the tower.
- C. A permit for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of a telecommunication tower may be issued on application and compliance with Ohio Revised Code Section 519.211 and this Resolution, provided the applicant has satisfied all the following standards:
 - 1. Telecommunication towers shall be subject to the site plan review requirements of the Wayne Township Zoning Resolution.
 - 2. The applicant shall provide proof in a form satisfactory to the Township that the proposal has been reviewed and/or approved by all agencies and governmental entities with jurisdiction, if required, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
 - 3. The applicant shall demonstrate by clear and convincing evidence that its tower antenna cannot be located on any other communication tower, building, or structure in the geographic area to be served and that all reasonable means have been undertaken to avoid any undue negative

impact caused by the clustering of towers within an area and that the antenna must be placed where it is proposed to satisfy its necessary function in the company's grid system. The evidence should include, but is not necessarily limited to, the following:

- a. The relationship of the proposed telecommunication tower to the applicant's overall grid.
 - b. Structural engineering evidence that an existing telecommunication tower lacks the tolerance to support an additional antenna array.
 - c. Engineering evidence that the frequency of the existing antenna array will interfere with the applicant's frequency.
 - d. Engineering evidence that the addition of an antenna to an existing tower will exceed the FCC RF emissions criteria.
4. In the case of the construction of new facilities by the applicant, the applicant shall agree to construct the telecommunication tower to accommodate additional antenna arrays and shall make the tower available to other cellular and/or wireless communication companies; telephone, radio, and television companies; and the local police, fire, and EMS departments.
 5. The perimeter of the telecommunication facility shall be landscaped. The landscaping shall be designed to effectively screen the tower's support structure, the fence around the structure, and any other ground-level features. Any combination of existing vegetation, topography, walls, decorative fencing, or other feature may be substituted for new landscaping. The landscape material shall be non-deciduous to provide a year-round screen. The use of razor or barbed wire is prohibited.
 6. The applicant (or its successor) shall, within thirty (30) days of ceasing operation at the site of the telecommunication tower, give notice of such to the Wayne Township Zoning Department. Facilities shall be removed within twelve (12) months of ceasing operations.
 7. Resale or renting of facilities is permissible only to other telecommunication systems subject to obtaining a Zoning Certificate from the Wayne Township Zoning Department.
 8. The applicant and/or property owner shall annually file on or before January 1 of each year a declaration with the Wayne Township Zoning Department as to the current ownership and operation of every facility located within the Township.
- D. Micro antennas are permitted in all Districts. A micro antenna may be located as a matter of right on existing buildings, poles, or other existing support structures or on newly erected structures provided that the new structure has a significant purpose other than support of the micro antenna. Supporting equipment for a micro antenna shall be (1) hidden inside the support structure to which the antenna is attached, (2) hidden underground, or (3) enclosed in a structure that is otherwise permitted in the zone where the micro antenna is erected and is designed to blend in with the neighborhood where the micro antenna is erected.

ARTICLE 14 -- WIND TURBINES

SECTION 1400 -- Purpose

The purpose of this Article of the Zoning Resolution is to 1) permit the use of wind turbines as a source of renewable energy, 2) maintain a safe environment within the community, and 3) minimize the impact of any wind turbines on the community.

SECTION 1401 -- Definition

Wind Turbine means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator or rotor and includes the turbine, rotor, blade, tower, base, and pad transformer, if any, and includes wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

- A. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
- B. Wind turbine rotor means that portion of the wind turbine, which includes the blades, hub, and shaft.
- C. Wind turbine tower means the supporting structure on which the rotor, turbine and accessory equipment is mounted.
- D. Commercial purposes means a wind energy conversion system consisting of more than one wind turbine and tower and wind energy conversion system that will be used primarily for off-site consumption of electrical power.
- E. Applicant means the person or entity filing an application under this Article.

SECTION 1402 -- General Requirements

A permit will be required for location, construction, alteration, and removal of all wind turbines located within the Township. Each land use district provides specific regulations for accessory uses and structures. All accessory uses and structures are considered to be permitted uses and will be enforced as such. No variance shall be issued for the placement of a wind turbine so close to a property line as to result in any portion of the wind turbine at any time, whether erect or in the event the turbine should fall or be toppled, to overhang, cross, or otherwise extend beyond the property line. The Application for Zoning Permit for a wind turbine will include:

- A. A standard drawing of the turbine structure, including the turbine, tower, base, and foundation as it will be located on the lot site, and a drawing prepared by a registered engineer of the turbine structure (usually supplied by the manufacturer) along with make, model, picture, and manufacturer's specification, including noise decibels.
- B. A foundation design prepared by a registered engineer based on the soil bearing capacity at the site.
- C. Written evidence that the utility company has been informed of the turbine installation.
- D. A site plan showing at least the following:

1. Property lines and physical dimensions of the site.
2. Location of the turbine tower, guy wires, and setbacks from property lines, above-ground utility lines, and any structures on the property. The proposed installation will comply with the following setback requirements:
 - a. The setback for a wind turbine shall be based on lot size. For example, if the lot is one hundred (150) feet wide, the turbine tower that includes the propeller shall not exceed a total height of sixty five (65) feet. The total height of the wind turbine plus ten (10) feet cannot be greater than the distance to the lot line to prevent falling beyond the property boundary.
 - b. The guy wires shall meet the minimum setback lines for the District in which it is located.
3. Location of signage.
4. Elevation of the proposed tower.
5. Location of trees within a one hundred (100) foot radius of the proposed turbine.
6. Location and size of any transformer pad or control structures.
- E. Documentation that the noise level for the wind turbine shall not exceed sixty (60) decibels as measured at the closest neighboring dwelling.
- F. Assurance that the wind turbine will include automatic braking, governing, or feathering systems consistent with industry standards to prevent uncontrolled rotation.
- G. A source for a foundation and electrical inspection by a certified building inspector to be conducted after the installation of a wind turbine. The inspections shall be in compliance with the State of Ohio building codes and the national electrical codes.

SECTION 1403 -- Wind Turbines Within A Residential District

Freestanding wind turbines or those turbines mounted on the roof of a residential structure may be permitted as an accessory to a principal use under the following conditions:

- A. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
- B. Placement of turbines at a density of no greater than one (1) per five (5) acres.
- C. No turbine shall be located in any required front yard area.
- D. Total height shall not exceed 20 feet or 10 feet above the residential structure roof, whichever is higher.
- E. Blade color shall be white or light gray.
- F. A sign shall be posted at the base of the tower, warning of electrical shock or high voltage.

SECTION 1404 -- Wind Turbines In Other Than Residential Districts

Freestanding wind turbines for energy uses shall be permitted as an accessory to a principal use within Agricultural, Commercial, or Industrial Districts under the

following conditions:

- A. Primary purpose shall be either to provide power for the principal use and accessory uses of the property or for the generation of power for commercial purposes.
- B. Placement of turbines at a density of no greater than one (1) per five (5) acres.
- C. No turbine shall be located in any required front yard area.
- D. Total height shall not exceed one hundred (100) feet.
- E. Minimum setback from all property lines, structures, and above-ground utility lines shall be one hundred fifty (150) feet.
- F. Anchor points for guy wires for the tower shall be located no closer than twenty five (25) feet to the property lines and not on or across any above-ground electric transmission or distribution line.
- G. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be twelve (12) feet.
- H. Blade color shall be white or light gray.
- I. Lighting of the tower for aircraft and helicopter will conform to Federal Aviation Administration standards for wattage and color, when applicable.
- J. The tower should have either:
 - 1. Tower-climbing apparatus located no closer than twelve (12) feet to the ground level at the base of the structure.
 - 2. A locked anti-climb device installed on the tower, or
 - 3. Shall be completely enclosed with a locked fence at least six (6) feet in height to prevent uncontrolled access from unauthorized personnel.
- K. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.

**APPENDIX A -- ROAD AND STREET SPECIFICATIONS AS ADOPTED BY
RESOLUTION OF THE BOARD OF TRUSTEES FOR WAYNE TOWNSHIP**

**THIS APPENDIX IS NOT A PART OF THE WAYNE TOWNSHIP ZONING
ORDINANCES.
IT IS INCLUDED FOR GENERAL INFORMATONAL PURPOSES ONLY.**

SECTION 100 -- Street and Highway Standards

- A. General. The arrangements, location extent, width, grade, and character or all streets shall generally be appropriate to topography, to proposed use of land abutting the streets, and to the pattern of surrounding streets and land use and shall not restrict future access to adjoining undeveloped territory.
- B. Relation to Adjoining Street System. The proposed street system shall extend existing streets at the same or greater width but in no case less than the required minimum width.
- C. Additional Width of Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the below minimum street width requirements.
1. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 2. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the center line of the existing roadway, shall be provided by the new subdivider.
- D. Street Width. Street right-of-way widths shall be not less than:
1. Local arterials and collectors – sixty (60) feet.
 2. Local or minor residential streets – fifty (50) feet. Street pavement widths shall not be less than twenty (20) feet.
- E. Intersections.
1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect any other at less than a sixty (60) degree angle.
 2. The right-of-way lines of intersecting streets shall be connected at all corners with a curve having a radius of at least twenty (20) feet.
- F. Horizontal Curves.
1. When the lines of a street change direction by more than ten (10) degrees, the street lines shall be connected by curves at the point where they deflect from each other. For minor residential streets this curve shall be at least one hundred (100) feet in radius and for all other streets at least three hundred fifty (350) feet in radius. For all streets the radius shall be measured along the center line.
- G. Vertical Curves. Vertical curves shall provide the stopping sight distance required for thirty-five (35) M.P.H. according to county highway specifications.
- H. Dead End Streets and Subdivisions.
1. No cul-de-sac or dead-end street designed to have one (1) end permanently closed shall be more than one thousand (1000) feet long. Where dead-end streets are designed to be extended into future subdivisions, which can be expected to provide additional outlets, the one

- thousand (1000) foot street length maximum shall not apply.
2. At the end of a permanent cul-de-sac or dead end street the minimum curb radius shall be fifty (50) feet, and the minimum right-of-way radius shall be sixty (60) feet.
- I. Street Grades. Street grades shall be not less than four-tenths (0.4) percent, or more than fifteen (15) percent, except on approval of the County Engineer for steeper grade.
 - J. Street Names.
 1. Streets shall be named without duplicating the name of existing streets in Muskingum County.
 2. Street signs shall be installed by the developer in accordance with county specifications and should be allowed to blend in with the architectural design of the development.
 - K. Pavement Specifications for Streets. Other than the following minimum standards, the base and surface courses of streets shall be constructed in accordance with the designed specifications required by the County Engineer.
 1. Streets shall be constructed with the following alternates:
 - a. Eight (8) inch aggregate base, bituminous prime coat and three (3) inch asphalt concrete surface.
 - b. Four (4) inch bituminous aggregate base and two (2)-one and one-half (1½) inch asphalt concrete surface courses.
 - c. Seven (7) inch Plain Portland Cement Concrete Pavement on four (4) inch minimum of approved base material.
 2. Provide a two (2) foot berm four (4) inches thick of approved berm material.
 3. Fills over three (3) feet shall be properly compacted with a sheep's foot roller.
 4. All topsoil shall be removed from roadway area.
 5. All streets to be taken over by the County Highway Department shall be open for public use for a minimum period of eighteen (18) months before the final surface treatment.
 6. All roads in a subdivision must be paved with 404 blacktop coating or Portland Cement and open to the public for two (2) years before the Muskingum County Engineer can advise the Board of Trustees for Wayne Township about taking over the road.

SECTION 101 -- Alleys

- A. Alleys shall be provided in commercial and industrial districts with a minimum right-of-way of thirty (30) feet. The Trustees may waive this requirement when other definite and assured provisions are made for service access such as off-street loading and parking adequate for the uses proposed.
- B. Alleys shall be prohibited in residential areas.
- C. Dead end alleys shall be prohibited.

SECTION 102 -- Easement

- A. In general utility easements shall be of minimum width of fifteen (15) feet and

- located at the front or rear of lots and seven and one-half (7 1/2) feet on each side of the property line. Corner lot easements shall be of minimum width of ten (10) feet.
- B. When a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way not less than twenty (20) feet in width, conforming substantially with the lines of such water course.

SECTION 103 -- Drainage System Requirements

All drainage structures shall be approved by the County Engineer.

- A. All culverts must be twelve (12) inch or larger.
- B. Any buried culverts or drain tiles in excess of fifty (50) feet in length shall have a two (2) foot by three (3) foot catch basin with a grating type removable covering. This will allow for future cleaning needs.

SECTION 104 -- Culverts

All road crossings for new homes or any road crossing or driveway culvert must be drained by a twelve (12) inch or larger reinforced concrete or steel culvert drain tile. The use of rigid plastic or any other exceptions to these specifications will require written approval of the Board of Trustees for Wayne Township. These exceptions will be on a case by case basis.