

WAYNE TOWNSHIP ZONING RESOLUTION CLERMONT COUNTY, OHIO

TABLE OF CONTENTS

ARTICLE 1.....	1-1
GENERAL PROVISIONS	1-1
Section 1.1 Authority	1-1
Section 1.2 Title	1-1
Section 1.3 Purpose	1-1
Section 1.4 Interpretation of Standards	1-1
Section 1.5 Separability	1-1
Section 1.6 Territory Under the Zoning Resolution	1-2
Section 1.7 Compliance With These Regulations	1-2
ARTICLE 2.....	2-1
DEFINITIONS	2-1
Section 2.1 Purpose	2-1
Section 2.2 Words and Terms Defined.....	3-1
ARTICLE 3.....	3-1
ZONING DISTRICTS AND RESOLUTION AMENDMENT	3-1
Section 3.1 Purpose	3-1
Section 3.2 Districts and Boundaries Thereof	3-1
Section 3.3 Zoning District Map.....	3-1
Section 3.4 Interpretation of District Boundaries	3-2
Section 3.5 Vacation of Public Way	3-2
Section 3.6 Amendments.....	3-2
ARTICLE 4.....	4-1
“C” CONSERVATION/RECREATION DISTRICT	4-1
Section 4.1 Purpose	4-1
Section 4.2 Principal Permitted Uses	4-1
Section 4.3 Accessory Permitted Uses	4-1
Section 4.4 Conditional Permitted Uses	4-1
Section 4.5 Lot Development Standards	4-2
Section 4.6 Minimum Off-Street Parking Requirements	4-2
Section 4.7 Signage Requirements	4-2
Section 4.8 Bufferyard and Landscape Requirements	4-2
ARTICLE 5.....	5-1
OPEN FOR FUTURE EXPANSION	5-1
ARTICLE 6.....	6-1
“AR” AGRICULTURAL RESIDENCE DISTRICT	6-1
Section 6.1 Purpose	6-1
Section 6.2 Principal Permitted Uses	6-1
Section 6.3 Accessory Permitted Uses	6-1
Section 6.4 Conditional Permitted Uses	6-1
Section 6.5 Lot Development Standards	6-2
Section 6.6 Minimum Off-Street Parking Requirements	6-2
Section 6.7 Signage Requirements	6-2
Section 6.8 Bufferyard and Landscape Requirements	6-2

ARTICLE 7.....	7-1
“E” ESTATE RESIDENCE DISTRICT	7-1
Section 7.1 Purpose	7-1
Section 7.2 Principal Permitted Uses	7-1
Section 7.3 Accessory Permitted Uses	7-1
Section 7.4 Conditional Permitted Uses	7-1
Section 7.5 Lot Development Standards	7-2
Section 7.6 Minimum Off-Street Parking Requirements	7-2
Section 7.7 Signage Requirements	7-2
Section 7.8 Bufferyard and Landscape Requirements	7-2
ARTICLE 8.....	8-1
“RLD” RESIDENTIAL LOW DENSITY DISTRICT	8-1
Section 8.1 Purpose	8-1
Section 8.2 Principal Permitted Uses	8-1
Section 8.3 Accessory Permitted Uses	8-1
Section 8.4 Conditional Permitted Uses	8-2
Section 8.5 Lot Development Standards	8-2
Section 8.6 Minimum Off-Street Parking Requirements	8-2
Section 8.7 Signage Requirements	8-2
Section 8.8 Bufferyard and Landscape Requirements	8-2
ARTICLE 9.....	9-1
“RMD” RESIDENTIAL MEDIUM DENSITY DISTRICT	9-1
Section 9.1 Purpose	9-1
Section 9.2 Principal Permitted Uses	9-1
Section 9.3 Accessory Permitted Uses	9-1
Section 9.4 Conditional Permitted Uses	9-2
Section 9.5 Lot Development Standards	9-2
Section 9.6 Minimum Off-Street Parking Requirements	9-2
Section 9.7 Signage Requirements	9-2
Section 9.8 Bufferyard and Landscape Requirements	9-2
ARTICLE 10.....	10-1
“RHD” RESIDENTIAL HIGH DENSITY DISTRICT	10-1
Section 10.1 Purpose	10-1
Section 10.2 Principal Permitted Uses	10-1
Section 10.3 Accessory Permitted Uses	10-1
Section 10.4 Conditional Permitted Uses	10-2
Section 10.5 Lot Development Standards	10-2
Section 10.6 Minimum Off-Street Parking Requirements	10-3
Section 10.7 Signage Requirements	10-3
Section 10.8 Bufferyard and Landscape Requirements	10-3
ARTICLE 11.....	11-1
OPEN FOR FUTURE EXPANSION	11-1
ARTICLE 12.....	12-1
“NB” NEIGHBORHOOD BUSINESS DISTRICT	12-1
Section 12.1 Purpose	12-1
Section 12.2 Principal Permitted Uses	12-1
Section 12.3 Accessory Permitted Uses	12-1
Section 12.4 Conditional Permitted Uses	12-2
Section 12.5 Lot Development Standards	12-2
Section 12.6 Minimum Off-Street Parking Requirements	12-2
Section 12.7 Signage Requirements	12-2
Section 12.8 Bufferyard and Landscape Requirements	12-2

ARTICLE 13.....	13-1
“GB” GENERAL BUSINESS DISTRICT	13-1
Section 13.1 Purpose	13-1
Section 13.2 Principal Permitted Uses	13-1
Section 13.3 Accessory Permitted Uses	13-1
Section 13.4 Conditional Permitted Uses	13-2
Section 13.5 Lot Development Standards	13-2
Section 13.6 Minimum Off-Street Parking Requirements	13-3
Section 13.7 Signage Requirements	13-3
Section 13.8 Bufferyard and Landscape Requirements	13-3
ARTICLE 14.....	14-1
OPEN FOR FUTURE EXPANSION	14-1
ARTICLE 15.....	15-1
“I” INDUSTRIAL DISTRICT	15-1
Section 15.1 Purpose	15-1
Section 15.2 Principal Permitted Uses	15-1
Section 15.3 Accessory Permitted Uses	15-1
Section 15.4 Conditional Permitted Uses	15-2
Section 15.5 Lot Development Standards	15-2
Section 15.6 Minimum Off-Street Parking Requirements	15-3
Section 15.7 Signage Requirements	15-3
Section 15.8 Bufferyard and Landscape Requirements	15-3
ARTICLE 16.....	16-1
OPEN FOR FUTURE EXPANSION	16-1
ARTICLE 17.....	17-1
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT	17-1
Section 17.1 Purpose	17-1
Section 17.2 Types of Planned Unit Development Overlay Districts	17-1
Section 17.3 Principal Permitted Uses	17-2
Section 17.4 General Design Standards	17-2
Section 17.5 Planned Unit Development Overlay Requires District Change	17-4
Section 17.6 Procedures for Application	17-4
Section 17.7 Submission of Preliminary Development Plan	17-5
Section 17.8 Procedures for Approval of the Preliminary Development Plan	17-7
Section 17.9 Required Conditions for Approval of Preliminary Development Plan	17-8
Section 17.10 Time Limits and Extensions for Preliminary Development Plan	17-9
Section 17.11 Submission of Final Development Plan	17-9
Section 17.12 Procedures for Approval of the Final Development Plan	17-11
Section 17.13 Required Conditions for Approval of the Final Development Plan	17-11
Section 17.14 Effects of Final Development Plan Approval	17-12
Section 17.15 Subdivision Plat Required	17-12
Section 17.16 Required Conditions for the Issuance of a Zoning Certificate and Final Certificate of Occupancy	17-12
Section 17.17 Time Limits and Extensions for Final Development Plan	17-12
Section 17.18 Adjustments to Planned Unit Developments	17-13
Section 17.19 Financing Responsibility	17-13

ARTICLE 18.....	18-1
SUPPLEMENTAL REGULATIONS	18-1
Section 18.1 Agricultural Uses Permitted.....	18-1
Section 18.2 Recreational Trailers, Recreational Vehicles and Commercial Vehicles	18-1
Section 18.3 Temporary Occupancy Certificate Required	18-1
Section 18.4 One Principal Building Permitted	18-2
Section 18.5 Minimum Required Yards and Open Spaces	18-2
Section 18.6 Temporary Elderly Opportunity Housing (ECHO).....	18-2
Section 18.7 Mobile Home Standards	18-3
Section 18.8 Cemeteries.....	18-3
Section 18.9 Access for Fire Vehicle and Vehicle Apparatus.....	18-3
Section 18.10 Drive-In and Drive Through Service	18-4
Section 18.11 Required Trash and Garbage Collection Areas	18-4
Section 18.12 Private Swimming Pools	18-5
Section 18.13 Junk Storage.....	18-6
Section 18.14 Home Occupations.....	18-6
Section 18.15 Landfills, Dumps, Mining and Extraction of Minerals or Raw Materials.....	18-7
Section 18.16 Obstructions to Vision at Street Intersections Prohibited.....	18-8
Section 18.17 Fences, Walls and Hedges	18-8
Section 18.18 Open for Future Expansion.....	18-9
Section 18.19 Outdoor Bulk Storage and Display in Commercial and Industrial Districts	18-9
Section 18.20 Sexually Oriented Businesses.....	18-11
Section 18.21 Telecommunication Towers and Antennas	18-12
Section 18.22 Bed and Breakfast Establishment	18-13
Section 18.23 Accessory Buildings, Structures and Uses in Residential Districts	18-14
Section 18.24 Accessory Buildings and Uses in a Commercial or Industrial District	18-14
Section 18.25 Height Modifications	18-14
Section 18.26 Minimum Floor Area.....	18-14
Section 18.27 Projections.....	18-14
Section 18.28 Performance Standards.....	18-15
Section 18.29 Existing Lots of Record	18-16
Section 18.30 Restoring Unsafe Buildings	18-17
Section 18.31 Uses Not Provided For.....	18-17
Section 18.32 Front Yard Requirements for Corner Lots.....	18-17
ARTICLE 19.....	19-1
OFF-STREET PARKING AND LOADING	19-1
Section 19.1 Purpose	19-1
Section 19.2 Off-Street Parking, When Required	19-1
Section 19.3 Parking Plan Required	19-1
Section 19.4 Determination of Required Spaces	19-2
Section 19.5 Required Off-Street Parking Spaces	19-2
Section 19.6 Space Requirements For Uses Not Specifically Mentioned	19-7
Section 19.7 Maximum Number of Parking Spaces Permitted	19-8
Section 19.8 Off-Street Parking Design Requirements	19-8
Section 19.9 Joint Use of Off-Street Parking Facilities	19-10
Section 19.10 Use of Off-Street Parking Facilities	19-10
Section 19.11 Off-Street Loading Requirements.....	19-11

ARTICLE 20.....	20-1
BUFFERYARD AND LANDSCAPE REQUIREMENTS	20-1
Section 20.1 Purpose	20-1
Section 20.2 Applicability	20-1
Section 20.3 General Requirement for Submission.....	20-1
Section 20.4 Approval.....	20-2
Section 20.5 Screening, Landscaping and Bufferyard Standards	20-2
Section 20.6 Screening and Landscaping for Off-Street Parking Areas	20-6
Section 20.7 Screening for Service Structures	20-7
Section 20.8 Easements, Right-of-Way, and Setbacks	20-7
Section 20.9 Modifications	20-7
ARTICLE 21.....	21-1
NON-CONFORMING USES, BUILDINGS AND STRUCTURES.....	21-1
Section 21.1 Existing Non Conforming Structures and Uses.....	21-1
Section 21.2 Discontinuance of Non Conforming Structures and Uses	21-1
Section 21.3 Substitution of Non Conforming Uses	21-1
Section 21.4 Enlargement, Extension and Alteration of Non Conforming Structures and Uses	21-1
Section 21.5 Non Conforming Nuisances.....	21-3
ARTICLE 22.....	22-1
OPEN FOR FUTURE EXPANSION	22-1
ARTICLE 23.....	23-1
SIGNS	23-1
Section 23.1 Purpose	23-1
Section 23.2 General Provisions.....	23-2
Section 23.3 Signs Requiring Certificates	23-3
Section 23.4 Signs Not Requiring a Certificate	23-3
Section 23.5 Prohibited Signs.....	23-3
Section 23.6 Measurement Standards	23-4
Section 23.7 Signs Permitted in Agricultural, Commerical Business, Industrial and Residential Districts.....	23-4
Section 23.8 Signs Permitted in the Commercial Business Districts	23-6
Section 23.9 Signs Permitted in the Industrial District.....	23-9
Section 23.10 Outdoor Advertising Signs	23-11
Section 23.11 Nonconforming Signs.....	23-11
Section 23.12 Maintenance and Removal of Signs.....	23-11
ARTICLE 24.....	24-1
OPEN FOR FUTURE EXPANSION	24-1
ARTICLE 25.....	25-1
ADMINISTRATION AND ENFORCEMENT	25-1
Section 25.1 Purpose	25-1
Section 25.2 Responsibilities of the Zoning Department.....	25-1
Section 25.3 Township Zoning Commission.....	25-2
Section 25.4 Township Board of Zoning Appeals.....	25-3
Section 25.5 Procedure for Appeal.....	25-5
Section 25.6 Procedure for Obtaining a Variance.....	25-6
Section 25.7 Procedure for Conditional Use Permit	25-8
Section 25.8 Filing Plans	25-11
Section 25.9 Zoning Certificate.....	25-11
Section 25.10 Conditions Under Which Zoning Certificates are Required	25-11
Section 25.11 Application and Issuance of Zoning Certificates.....	25-12

ARTICLE 26.....	26-1
FEES, VIOLATIONS, REMEDIES AND ADMINISTRATIVE PROCESS	26-1
Section 26.1 Fees	26-1
Section 26.2 Unlawful Activity	26-1
Section 26.3 Violation and Penalties	26-1
Section 26.4 Remedies	26-2
Section 26.5 Administrative Process.....	26-2

ARTICLE 1 GENERAL PROVISIONS

Section 1.1 Authority

This Zoning Resolution is enacted pursuant to the powers and authority granted under the provisions of the Ohio Revised Code, Section 519.02.

Section 1.2 Title

This Resolution shall be known as and may be cited and referred to as the “Wayne Township Zoning Resolution, Clermont County, Ohio”.

Section 1.3 Purpose

The purpose of this Zoning Resolution is:

1. To promote the common good and general welfare of the community as a whole through land development regulations;
2. To conserve and protect property and property values;
3. To promote and implement the most appropriate use of land;
4. To facilitate adequate but economical provisions of public improvements, all in accordance with the provisions of the Ohio Revised Code Sections 519.01-519.99; and
5. To permit the implementation of the **Wayne Township Growth Management Plan**.

Section 1.4 Interpretation of Standards

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the general good and welfare of the community. Wherever the regulations of this Resolution impose higher standards than are required in any other Resolution or regulation, private deed restrictions or private covenants, these regulations shall govern. If the requirements of another Resolution, regulation, private deed restriction or private covenant are more restrictive, then those requirements shall govern.

Section 1.5 Separability

If any part of this Zoning Resolution is held to be unconstitutional or invalid, such decision shall not affect the validity of this document as a whole, or the remaining parts of this Zoning Resolution.

Section 1.6 Territory Under the Zoning Resolution

This Resolution shall be effective in the unincorporated areas of Wayne Township.

This Resolution shall not apply within municipal corporations. If the Township territory subject to this Resolution becomes incorporated, then this Resolution shall apply therein and be enforced by Wayne Township until the election and qualification of officials for the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations controlling over the incorporated territory.

Upon annexation of Township territory to an existing municipal corporation, these zoning regulations then in effect shall remain in full force and effect and shall be enforced by the Township officials until the legislative authority of the annexing municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

Section 1.7 Compliance With These Regulations

With the exception of non-conforming uses, structures or buildings that are regulated under Article 21, Non-Conforming Buildings, Uses and Structures, no building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all District regulations established by this Resolution for the District in which the land or building is located.

ARTICLE 2 DEFINITIONS

Section 2.1 Purpose

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory.

The following words and terms, wherever they occur in this Article, shall be construed as herein defined. Words not defined in this Zoning Resolution shall be interpreted in accordance with definitions in: *The Zoning Dictionary* by Lehman and Associates; *The Latest Illustrated Book of Development Definitions* by Harvey S. Moskowitz; the applicable Fire Code; the State Statutes; State Building Code; or the residential building code as adopted by the Clermont County Board of County Commissioners.

Section 2.2 Words and Terms Defined

For the purposes of this Resolution, all terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise.

A

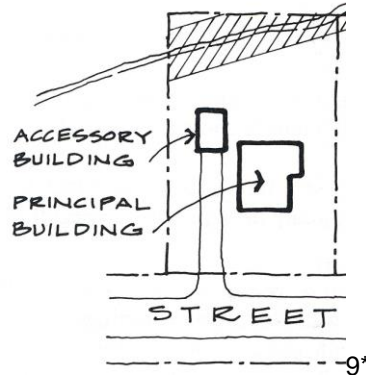
Abandonment - The discontinuance of the occupation and productive use of the property by the owner. Abandonment may be presumed if the property is unoccupied and any of the following may occur:

- A. Orders have been issued against the owner of the property for violations of any State, County, Township or municipal building, health, fire or property maintenance code associated with the use, and attempts to serve process on such orders and/or criminal citations have been unsuccessful;
- B. The owner no longer resides at the tax mailing address and cannot be located;
- C. The owner is a corporation that is not licensed to do business in the State of Ohio or, having been licensed, is no longer in good standing; or
- D. The named owner is deceased and no probate estate has been opened within six (6) months of the death of the named owner.

Abutting - Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Apartment – An independent dwelling unit contained totally within a single family residence or in a building used primarily for nonresidential uses.

Accessory Building - A subordinate building or structure, either affixed or movable, located on the same lot as the primary structure or use which is customary and incidental to the primary use or structure.



Accessory Use - See "Use, Accessory".

Acre – A measure of land area containing 43,560 square feet.

Adjacent - See "Abutting".

Agriculture - The use of land for agricultural purposes including: farming; ranching; 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 (including those for bio diesel/ethanol production), tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agricultural Structure – Any structure or building accessory to the principal agricultural use of the land. Farm dwellings, however, are principal buildings.

Alley - A public thoroughfare which affords only a secondary means of access to abutting property.

Alteration – Any change or addition to the supporting members or foundation of a building or structure.

Animal Hospital or Veterinarian Clinic - A place, licensed by the State of Ohio, used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation.

Antenna - The physical device through which telecommunications, radio, or television signals are transmitted or received.

Automobile Repair Garage - A business conducting general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including but not limited to: body work, frame work, welding and painting.

Automobile, Truck, Trailer and Farm Implement Sales and Repair - A display and temporary storage, for sale, of new or used motor vehicles including RV's, trucks, motorcycles, and farm equipment and implements, where repair or service work is incidental to the operation of new vehicle sales.

B

Bar or Tavern - An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

Barn - A building used primarily for the storage of grain, hay, and other farm related products, and/or the sheltering of livestock or farm equipment.

Basement - A story having part but not more than one-half ($\frac{1}{2}$) its average height below grade. A basement is counted as a story for the purpose of height regulations.

Bed and Breakfast Establishments - A single family dwelling whose premises are permanently occupied by a family that offers overnight accommodations and breakfast to transient guests for compensation.

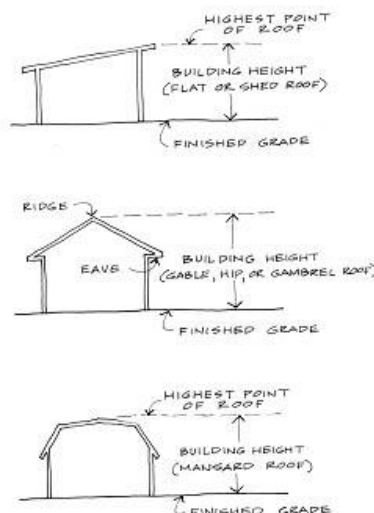
Board - See, "Zoning Board of Appeals".

Buffer - The use of land, topography, difference in elevation, space, fences or landscape planting to screen, or partially screen, a use or property from another use or property, and thus reducing undesirable influences, such as sight, glare, noise, dust and other external effects.

Buildable Area - The area remaining after subtracting required open space from the site area.

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

Building, Height of a - The vertical distance to be measured from the front grade to the highest point of the coping of a flat roof, or to the top of the ridge for gable, hip, mansard and gambrel roofs.



Building Line - A line separating buildable area from any required yards or open spaces as defined herein. The “building line” will constitute the largest extremity of the building (e.g. overhang or eave), rather than the foundation.

Building Material Sales and Storage - An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products and other building materials such as brick, tile, prepackaged cement, insulation and roofing materials and assorted hardware used in the construction industry.

Building, Principal - A building which contains the primary use of the lot, as contrasted to accessory building or use. In any residential zone a dwelling shall be deemed to be the principal building on the lot.

C

Car Wash - The use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Cellar – A story having more than one-half (½) of its average height below grade. A cellar is counted as a story for the purpose of height regulation only if used for dwelling purposes.

Cemetery - Land used or dedicated for the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Club - A nonprofit association of persons who are bona fide members paying regular dues, and who are organized for some common purpose. Clubs shall exclude places of worship or groups organized solely or primarily to render a service carried on as a commercial enterprise.

Collocation - The use of a telecommunication facility by more than one provider.

Commercial Entertainment - A facility for any profit making activity which provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, bowling alleys, pool and billiard halls and similar entertainment activities.

Commercial Recreation – See, “Recreation, Commercial”.

Commission - See, “Zoning Commission”.

Comprehensive Plan - See, “Growth Management Plan”.

Conditional Use - See, “Use, Conditional”.

D

Density - The number of dwelling units per acre of land.

Development Plan - A report, in map and text form, submitted as the second step of a Planned Unit Development (PUD) proposal, including depiction of the location, purpose, type of land use, circulation pattern, the primary relationship between site elements and between the proposed development and surrounding development, and information on the proposed developer.

District - A section or sections of the unincorporated territory of Wayne Township for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform.

Drive Through Establishment (also Drive-In Facility) - Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

Dwelling - Any building or portion thereof containing living, sleeping, and permanently installed cooking facilities, and lawfully required sanitary facilities for occupancy by one (1) or more families; but not including a tent, trailer or trailer coach or any other temporary or transient structure or facility.

Dwelling, Mobile Home - A non-self propelled vehicle that is so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for continuous human habitation and which has a wheeled chassis as an integral part of its structure for the purpose of being transported from site to site. This definition is to include any prefabricated unit or units designed for use as a dwelling that may not conform in all respects to State and County building codes for dwellings.

Dwelling, Permanently Sited Manufactured Home - A permanently sited home that is manufactured in two (2) or more component sections that are transported to the home site and assembled on a permanent foundation and whose construction meets all specifications of the State and County building codes. Manufactured homes shall be considered as buildings, dwellings or structures for the purposes of this Resolution.

Dwelling, Multi-Family - A residential building or portion thereof designed for, or occupied exclusively by, more than two (2) families.

Dwelling, Single Family - A detached, independently standing residential building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family - A residential building designed for, or occupied exclusively by, two (2) families.

E

Easement - A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

Elderly Opportunity Housing (ECHO) – A temporary independent dwelling unit occupied by a member of the immediate family sixty-two (62) years of age or older or mentally or physically handicapped, related by blood or marriage to the occupants of the primary dwelling, with the placement of the unit in the side or rear yard of a single family residence. The principal single family residence must be owner occupied.

Educational Institution: Vocational, College, University, Business or Training Center - A public or private post-secondary facility, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary or necessary to the operation of such institution. This includes, but is not limited to, dormitories, food sales, retail sales, indoor and/or outdoor recreation facilities, offices, printing, museums, and professional service (affiliated with the college or university, vocational, business or training center).

Educational Institution: Elementary School, Junior High School, High School - A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

F

Family – One or more persons who are occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, whether or not related to each other by birth or marriage as distinguished from a group occupying a boarding house, lodging house, bed and breakfast establishment or hotel as defined herein.

Fence - An artificially constructed structure enclosing or separating yards, fields, lots or other areas.

Financial Institution - A building, property or activity where the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, lending establishments and mortgage companies.

Floodplain - Those areas designated in the 100 year floodplain by the Federal Emergency Management Agency as “areas of special flood-related erosion hazard” or “area of special flood hazard” on any Flood Hazard Boundary Map issued by the Administrator of the Federal Emergency Management Agency.

Floor Area – The floor area of a building which is devoted to the storage and display of merchandise, the performance of customer services, or the circulation and accommodation to customers.

Floor Area Ratio - A measure derived by dividing the gross floor area (GFA) of a building or structure by the size of the lot.

Freestanding Antenna – Any antenna not supported by or attached to another structure, but may include Guy Wires.

Funeral Home - An establishment engaged in undertaking services such as preparing the dead for burial, arranging and managing the display of the deceased and providing rituals connected therewith before burial or cremation.

G

Garage, Private - An accessory building, detached or attached, housing motor vehicles normally operated by a resident of the premises.

Garage, Public - A principal building or accessory building, other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no vehicle sales or service shall be provided for a fee.

Garage, Storage - Any building or premises used for housing only, of motor vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

Gasoline Filling Station - A facility limited to the retail sales of motor oil, lubricants, motor fuels, travel aides, minor automobile accessories and convenience goods to the public. In addition, such facilities may provide minor vehicle servicing, minor repairs and maintenance, but may not include engine rebuilding, the reconditioning of motor vehicles, and collision services such as painting, body, frame or fender straightening.

Golf Course - A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A clubhouse, maintenance facility and shelters may be permitted as accessory uses.

Grade - The average elevation of the land around a building as measured in feet above sea level.

Greenhouse - A building largely constructed of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants for the subsequent sale or for personal enjoyment.

Gross Area - The total land and water surface contained within the boundaries of a lot.

Gross Floor Area - The sum of the total horizontal areas of every floor of every building or structure (other than an accessory building) on a lot that is designed and useable to support occupancy by persons or storage of goods or equipment. The measurement of gross floor area (GFA) shall be computed applying the following criteria:

- A. The horizontal area is measured from the outside face of all exterior walls.
- B. Excluding unfinished cellars, basements, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures.

Growth Management Plan - A compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of the Township and its environs, adopted by the Wayne Township Trustees, and as may be amended from time to time.

H

Hedge – A row of closely planted shrubs, bushes or similar plant material that forms a compact, dense boundary, fence or shields and area from view.

Height of Structure – The vertical distance from the average finished grade at the front building line to the highest point of a structure.

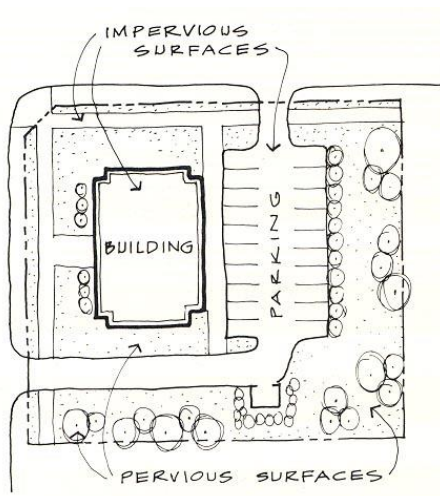
Home Occupation - A gainful enterprise of limited extent, incidental and secondary to the residential use of the property so zoned, operated only by a family member or members residing on said premises without changing the outward residential appearance of said property or endangering the health, safety and welfare of the surrounding residential neighborhood.

Homeowners Association - A community association that is organized in a residential development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hospital - An institution that provides inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and other necessary accessory facilities.

I

Impervious Surface - Any material that prevents the absorption of storm water into the ground located directly below the material including any compacted areas serving as a driveway or parking area.



Impervious Surface Coverage - The measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

J

Junk - Old, used, or scrap aluminum, copper, brass, iron, steel, other metal alloys and nonferrous materials, batteries, rope, lumber or building materials, paper, cloth, rubber, ceramics, plastics or other products thereof, trash and rubbish.

Junk Vehicles - Vehicles, as defined by the Ohio Revised Code, regardless of value, which are not currently registered or are inoperable due to damage, dismantling, or mechanical failure, including recreational, collectible, or antique vehicles and watercraft.

Junk Yard – Any land or structure used for a salvaging operation, including but not limited to the collection, dismantlement, storage and salvage of any unlicensed vehicles, waste, scrap or discarded materials.

K

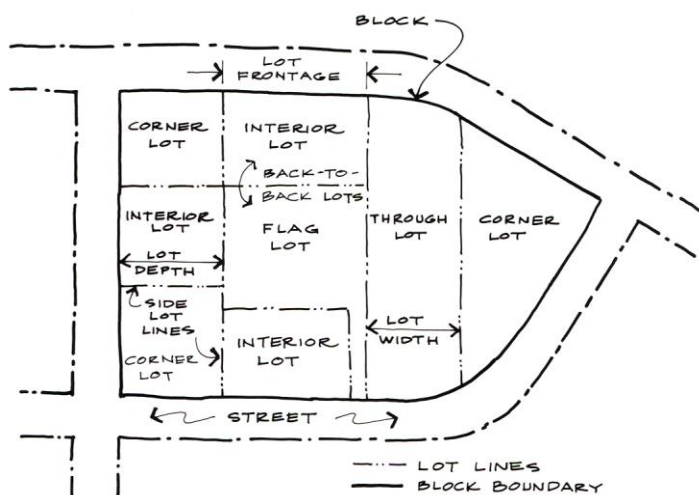
No Definitions

L

Landscaping - The alteration of the natural terrain by the planting of trees, grass, shrubs and installation of ground cover indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map.

Loading Space - The portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.

Lot - A parcel of land occupied or intended for occupancy by a use permitted by this Resolution and the open spaces required by this Resolution and having principal frontage upon a street or road.



Lot Area - Any area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such street is held by the owner of the lot.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, and in either case, forming an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Depth of - The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage (Through Lot) - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, easement, or driveway.

Lot, Interior - A lot other than a corner lot.

Lot Line - A line dividing one (1) lot from a right-of-way, adjoining lot or other adjoining tract of land.

Lot Line, Front - A boundary of a lot which abuts a dedicated public street or approved private street.

Lot Line, Rear - A boundary of a lot which is opposite the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record - A lot or parcel of land which has been legally described and recorded in the offices of the County Recorder of Clermont County.

M

Manufacturing, Light - The process of making, assembling, altering, converting, fabricating, finishing, processing or the treatment of a product utilizing a clean and quiet process which does not include or generate objectionable or hazardous off site elements such as: smoke, noise, glare, odor, vibration, air pollution, surface or groundwater pollution or dust and which is operating and storing products and materials in a completely enclosed structure.

Mobile Home Lot - A pad or parcel of land on which a mobile home dwelling is located.

Mixed Use - Any building or structure that is occupied by two (2) or more owners, renters or land uses, which is managed as a single property.

N

Non-Commercial Parks and Recreation - See, "Recreation, Non-Commercial".

Non-Conforming Lot - A lot of record which does not comply with the lot requirements for any permitted use in the zone in which it is located.

Non-Conforming Use, Building or Structure - Any structure, building or use of any lot or premises which does not conform with the provisions of this Zoning Resolution but which existed lawfully before its designation as nonconforming by the adoption or amendment of this Resolution.

Nursing Home, Rest Home or Convalescent Care Facility - A home for the aged or infirm in which three (3) or more persons, not of the immediate family, are received, kept or provided with food, shelter or care for compensation, and by reason of advanced age, chronic illness or infirmity are unable to care for themselves. A hospital, clinic or similar institution shall not be construed to be included in this definition.

Nuisance – An interference with the enjoyment and use of property.

O

Office, Business or Professional - A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Open Space - Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; (2) protect streams, river or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value of the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; or (5) enhance recreational opportunities. Land area required to be left undeveloped as a natural resource area, recreation area, buffer, or other open space shall be pursuant to the provisions of this Article 18. Open Space does not include areas that are public or private rights-of-way, detention ponds or retention basins used for the control of storm water runoff, or parking areas. Open Space is designed and intended for the common use and enjoyment of the public generally.

Outdoor Display - An area of designated size outside of an enclosed building used for the sample display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is sold, rented or leased.

Outdoor Storage - The keeping, outside of an enclosed building or structure, of personal or business property, goods, wares, or merchandise which are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

Overlay District - A Zoning District that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zones.

P

Parking Lot - A permanently surfaced parcel of land devoted to unenclosed parking spaces.

Parking Space - A permanently surfaced area of not less than one hundred and eighty (180) square feet, whether within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

Performance Standard - A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed (e.g. noise, odor, heat, vibration).

Personal Services - Any business activities which caters to customers personal needs, and which may include the incidental sale of products. Personal services may include: medical clinics, barber shops, financial institutions, funeral home, child day care, beauty shops, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include sexually oriented businesses.

Personal Storage Facility - A building containing individual, compartmentalized and controlled access stalls, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Planned Unit Development (PUD) - A development permitted pursuant to that is (1) planned to integrate proposed land uses on a tract of land under single ownership or control or a unified plan of development, and (2) developed in a single phase or multiple phases according to plans and design principles approved in accordance with this Resolution, with provisions for the operation and maintenance of common areas, improvements and facilities.

Plat - A map, graphics, or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Ohio State Statutes.

Premises – A lot or other tract of land under one ownership including all of the structures and buildings on it.

Processing – Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products or personal property. Processing does not refer to the fabrication or construction of structures on site.

Public Owned and Operated Properties and Facilities - A building, structure, land or property, owned and operated by the Township or other government agency, including fire stations, the Township Hall, public works and park facilities, library, etc.

Q

No Definitions

R

Recreation, Commercial - Land or facilities that are operated as a business and which are open to the general public for a fee, the primary purpose of which is to provide the general public with an amusing, exercise or entertaining activity. Commercial recreation facilities may include, but are not limited to water parks, skating rinks, billiard parlors, driving ranges, and batting cages.

Recreation, Non-Commercial - Any land or facility operated by a governmental agency or non-profit organization and which is open to the public or to members of the non-profit organization, without a general fee, that may include, but are not limited to, playgrounds, athletic fields, swimming pools, picnic areas and bike/hike trails.

Recreation, Outdoor – Any commercial or non-commercial recreational or leisure activity that is not conducted in an enclosed building or structure and that may have a moderate impact on the natural environment and the surrounding neighborhoods including athletic fields, golf courses, stadiums, shooting ranges, swimming pools, stables and the like. Outdoor recreation facilities and uses shall conform to the Performance Standards established in Section 18.28 of this Zoning Resolution and any other applicable Local, State or Federal regulation pertaining to dust, noise, odor or electrical interference.

Religious Place of Worship - An institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

Research and Development Facility - A facility in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.

Residence - A building intended to be occupied as a dwelling unit.

Residential Facility - A facility that provides resident services to a group of individuals of whom one (1) or more are unrelated. These individuals may be mentally retarded, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any Federal, State, County, or other political subdivision. Residential facilities includes, but is not limited to, the following listed categories:

- A. *Adult Family Home* - A residential facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of these adults pursuant to Title 37 of the Ohio Revised Code.
- B. *Adult Group Home* - A residential facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults pursuant to Title 37 of the Ohio Revised Code.
- C. *Family Home* - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.
- D. *Family Foster Home* - A private residence in which children are receiving care apart from their parents, guardian, or legal custodian by an individual for hire, gain or reward for non-secure care, supervision, or training twenty-four (24) hours a day pursuant to Title 51 of the Ohio Revised Code. Family foster home does not include babysitting care provided for a child in the home of a person other than the parents, guardian or legal custodian of the child.
- E. *Foster Family Home* - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.
- F. *Foster Home* - Foster home means a family home in which any child is receiving care apart from the child's parents for care, supervision or training pursuant to Title 51 of the Ohio Revised Code.
- G. *Group Home* - Group home means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.
- H. *Semi-Independent Living Home* - Semi-independent living home means a residential facility for a mentally retarded or developmentally disabled person where, according to the person's individual habilitation plan, the person demonstrates skills that would enable the person to function for specified periods of time without supervision. Such skills include, but are not limited to, home management, community mobility, personal hygiene, interpersonal relationship skills, and self-preservation pursuant to Title 51 of the Ohio Revised Code.

Restaurant - A business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual servings.

Restaurant, Fast Food - A business establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.

Retail Business - A commercial enterprise that provides goods, wares, merchandise, and/or services directly to the consumer, where such goods are available for immediate purchase.

Right-of-Way - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, public sidewalk, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

Right-of-Way Line – A dividing line between a lot, tract or parcel of land and a contiguous street.

S

Satellite Dish - A device incorporating a reflective surface in the shape of a shallow dish used to receive electromagnetic waves between terrestrially and/or orbitally based uses.

Setback - The required distance the largest extremity of a building or structure (overhang or eave) must be located from a lot line, easement, right-of way, adjacent building or other feature as indicated in this Resolution.

Sexually Oriented Business - Any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures; or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. A sexually oriented business includes, but is not limited to the following:

- A. **Adult Bookstore** - An establishment which includes, but is not limited to, booths, cubicles, rooms or stalls for the presentation of adult entertainment, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of its regular and predominant course of conduct, offers for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.
- B. **Adult Entertainment** - Any exhibition of any motion pictures, live performances, displays or dances of any type, which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, appearing unclothed, or the removal of articles of clothing, to reveal specified anatomical areas.

- C. **Adult Motion Picture Theater** - An establishment which is significantly or substantially used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Sign - Any device, fixture, placard, or structure that uses any writing, representation, emblem, logo, symbol, or other display illuminated or non-illuminated to advertise, announce the purpose of, or identify the purpose of a person or entity to attract attention, or to communicate information of any kind to the public, visible from any public place. Streamers, pennants, balloons, and inflatable figures are not considered signs. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

Sign, Changeable Copy - A sign so designed that characters, letters or illustrations can be changed without altering the surface of the sign.

Sign, Freestanding - Any sign which is supported by its own foundation or on supports inserted in the ground, independent of support from any other structure.

Sign, Marker - A sign which informs the public of designated use areas or regulations as "entrance/exit", parking and aisle signs.

Sign, Marquee - A sign fastened or painted on a canopy, awning or permanent construction that projects from a wall of a building, usually above the entrance.

Sign, Name Plate - A small sign that announces limited information such as the name of the occupant of a premises and, for the purposes of this Resolution, shall not be considered as advertising.

Sign, Pole - A freestanding sign having multiple advertising panels supported by a pole type structure inserted into or fastened to the ground.

Sign, Portable - A changeable copy sign supported by a mobile frame that is not fixed on the ground or any structure and that is easily moved from site to site.

Sign, Projecting - A sign that typically projects perpendicular to the building face, is wholly or partly dependent on a building for support and that projects more than twelve (12) inches from the building.

Sign Area - The gross square footage of the sign face area which is normally visible from any one (1) direction. Sign supporting structures, which by size or which have been designed to attract attention, shall be considered part of the sign square footage.

Site Area - The total land area of a site included within the boundaries of a Planned Unit Development (PUD) District minus any land that is in a public or private right-of-way easement.

Site Plan - A map or graphics, prepared to scale, depicting the development of a tract of land, including the location and relationship of the structures, streets, driveways, recreation areas, parking areas, signage, utilities, drainage, landscaping, existing and proposed grading, walkways and other site development information as related to a proposed development.

Stable, Commercial – A shelter for the care and boarding of animals as a for profit business.

Stable, Private - A non-commercial shelter for the care of animals for personal use of the landowner.

Story - That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street, Road or Thoroughfare – All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public easements therefore.

Structure - Anything constructed or erected, the use of which requires permanent location on or in the ground or attached to something having a permanent location.

Structure, Principal - A structure or building in which the principal or primary use of the lot is conducted.

Structural Alteration - Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, foundations or any increase in the area or cubical contents of a building.

Swimming Pool – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing.

T

Telecommunications - The exchange of information through the transmission of voice, video, or data signal by means of electrical or electromagnetic systems.

Temporary Building - A building without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary building was erected has ceased.

Thoroughfare Plan - The Clermont County Thoroughfare Plan of, and as adopted by, the Clermont County Planning Commission, establishing the location and official right-of-way widths of principal highways and roads in the County, together with all amendments thereto subsequently adopted.

Trailer - A means of conveyance on wheels which is towed or hauled by another vehicle and used for short term human occupancy, carrying of materials, goods, or objects.

Transfer of Development Rights – The conveyance of the right to build by deed, easement or other legal instrument, authorized by local law, from one parcel of land to another parcel of land and the recordation of that conveyance in the Clermont County Records Office.

Trash - Any garbage, litter, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, appliances, tires, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public or private property.

U

Undue Hardship - A hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the Zoning Resolution.

Use – The purpose or activity for which the land or building thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

Use, Accessory – Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this Zoning Resolution.

Use, Conditional - A use that is permitted in a District only if a Conditional Use Certificate is expressly authorized by the Board of Zoning Appeals in accordance with the provisions in this Zoning Resolution.

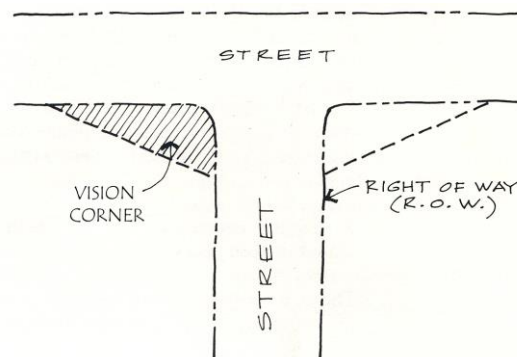
Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular District.

Use, Principal - That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

V

Variance - A departure, modification or variation from the strict conformance with the dimension and area regulations which may be approved by the Board of Zoning Appeals where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this Resolution would cause an undue hardship.

Vision Corner - A triangular approach zones at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles.



W

Warehouse - A building used primarily for the storage of goods and materials.

Wall – A solid barrier constructed of concrete, stone, brick or other similar type material that limits visibility across a horizontal plane.

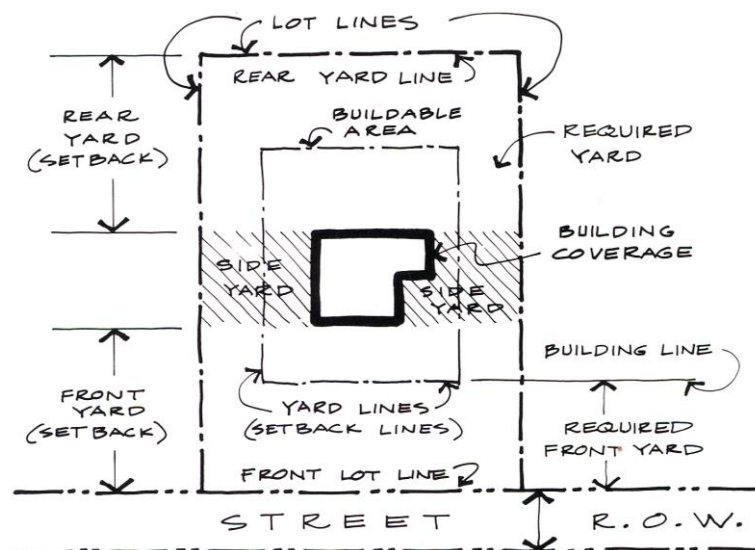
Wholesale Sales - A business which maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.

X

No Definitions

Y

Yard - An open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of a structure from the ground up to the sky, except as specifically permitted by this Zoning Resolution.



Yard, Front – The portion of the yard extending the full width of a lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building.

Yard, Rear – The portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building. On both corner lots and interior lots, the rear yard shall be the opposite end of the lot from the front yard and the main entrance to the residence.

Yard, Side – The portion of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

Yard Sale - A sale of used household or personal items held on the seller's residential premises. Inclusive in this definition are garage, basement, car port, barn and all other similar sales.

Z

Zoning Amendment - A change of the zoning map or zoning text authorized by the Township, either in the allowable uses within a District, in the boundaries of a District or in a change to the Resolution text.

Zoning Board of Appeals - The Wayne Township Zoning Board of Appeals as appointed by the Board of Township Trustees.

Zoning Commission - The Wayne Township Zoning Commission as appointed by the Board of Township Trustees.

Zoning Department - The Zoning Department, or similar position, of Wayne Township, appointed by the Board of Township Trustees, to enforce the provisions and regulations of this Zoning Resolution.

Zoning Map - The map or maps incorporated into this Resolution as a part thereof, designating the Zoning Districts.

Zoning Certificate - A document issued by the Zoning Department authorizing buildings, structures or uses which are consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

ARTICLE 3 ZONING DISTRICTS AND RESOLUTION AMENDMENT

Section 3.1 Purpose

The unincorporated area of Wayne Township, over which this Resolution has jurisdiction, is hereby divided into districts or zones. The initial(s) preceding the name of each district serves for immediate identification. Zoning districts are established for the following purposes to:

- A. Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specified uses.
- B. Regulate and limit the height of buildings and structures.
- C. Regulate the amount of lot areas which may be covered by impervious surfaces.
- D. Establish setback lines, sizes of yards and other open spaces surrounding such buildings.
- E. Regulate the density of population of the Township.
- F. To follow the policies and goals established by the most recently adopted land use plan in the **Wayne Township Growth Management Plan**.

Section 3.2 Districts and Boundaries Thereof

The territory of Wayne Township, Clermont County, Ohio is hereby divided into the following Districts which are as follows:

- C Conservation/Recreation District
- AR Agricultural Residence District
- E Estate Residence District
- RLD Residential Low Density District
- RMD Residential Medium Density District
- RHD Residential High Density District
- NB Neighborhood Business District
- GB General Business District
- I Industrial District

Section 3.3 Zoning District Map

The boundaries of these Districts are hereby established as shown on the map known as the "Official Zoning Map of Wayne Township" which map is hereby declared to be part of this Resolution. The Zoning Map and all notations, references and other information shown thereon are as much a part of this Resolution as if the notations, references and other information were fully described herein, which map is properly attested and on file with the Board of Township Trustees.

Section 3.4 Interpretation of District Boundaries

The district boundary lines are intended to follow property lines, lot lines or centerlines of streets and alleys as they existed at the time of the adoption of this Resolution. Distances can generally be scaled directly from the Zoning Map, but should questions arise concerning the exact location of District boundary lines, the question shall be determined by the Zoning Department. Appeals to the decision of the Zoning Department may be requested by the Board of Zoning Appeals in accordance with the processes, procedures and powers delegated to the Board of Zoning Appeals by law and this Resolution.

Section 3.5 Vacation of Public Way

Whenever any street, alley or other public way is vacated by official action of the Board of County Commissioners of Clermont County, the zoning district(s) adjoining each side of such street, alley or other public way will be automatically extended to the center of such vacation, and all area included in the vacation will be subject to all applicable regulations of the extended Districts.

Section 3.6 Amendments

Amendments or supplements to this Zoning Resolution or Zoning Map shall be made in accordance with Section 519.12 of the Ohio Revised Code and any other applicable Ohio Laws relative to Township Zoning.

ARTICLE 4
“C” CONSERVATION/RECREATION DISTRICT**Section 4.1 Purpose**

The purpose of the “C” Conservation/Recreation District is to protect land suited for agricultural uses, recreational areas and the preservation of natural open space from the encroachment of incompatible land uses and to meet the recreational and agricultural needs of the Township.

Section 4.2 Principal Permitted Uses

The following uses are permitted as of right in the “C” Conservation/Recreation District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Single Family Dwelling	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Agriculture

Section 4.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “C” Conservation/Recreation District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 4.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “C” Conservation/Recreation District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Bed and Breakfast Establishment• ECHO Unit	<ul style="list-style-type: none">• Public Owned and Operated Property or Facility	<ul style="list-style-type: none">• Commercial Stables• Outdoor Recreation• Private Stables

Section 4.5 Lot Development Standards

The following development standards shall apply to lots located within the “C” Conservation/Recreation District:

Minimum Lot Area	<ul style="list-style-type: none">• 87,120 Square Feet
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 20%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 200 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 100 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 30 Feet Each Side Yard• 40 Feet if a Non-Residential Use is Adjacent to a Residential District
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 45 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet; Excluding Agricultural Buildings and Structures• Accessory structures and buildings shall not exceed 25 Feet; Excluding Agricultural Buildings and Structures

Section 4.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 4.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 4.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 5
OPEN FOR FUTURE EXPANSION

This Page Intentionally Left Blank

ARTICLE 6 “AR” AGRICULTURAL RESIDENCE DISTRICT

Section 6.1 Purpose

The purpose of the “AR” Agricultural Residence District is to promote the retention of agricultural uses and the rural nature and character of the Township through large lot residential uses that are compatible with the surrounding agricultural character.

Section 6.2 Principal Permitted Uses

The following uses are permitted as of right in the “AR” Agricultural Residence District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling 	<ul style="list-style-type: none"> • Religious Place of Worship 	<ul style="list-style-type: none"> • Agriculture • Roadside Stands

Section 6.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “AR” Agricultural Residence District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 6.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “AR” Agricultural Residence District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Accessory Apartment • Bed and Breakfast Establishment • ECHO Unit 	<ul style="list-style-type: none"> • Cemetery • Non-Commercial Parks • Non-Commercial Recreational Facility • Public Owned and Operated Property or Facility 	<ul style="list-style-type: none"> • Club • Commercial Stables • Golf Course; Excluding Miniature Golf and Stand Alone Driving Ranges • Private Airport and Landing Field • Outdoor Recreation • Private Stables • Radio Antenna, Television Transmitter and Satellite Dishes Over 90 Feet in Height

Section 6.5 Lot Development Standards

The following development standards shall apply to lots located within the “AR” Agricultural Residence District:

Minimum Lot Area	<ul style="list-style-type: none">• 217,800 square feet
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 30%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 200 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 100 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 40 Feet Each Side Yard
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 45 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet; Excluding Agricultural Buildings and Structures• Accessory structures and buildings shall not exceed 25 Feet; Excluding Agricultural Buildings and Structures

Section 6.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 6.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 6.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 7 “E” ESTATE RESIDENCE DISTRICT

Section 7.1 Purpose

The purpose of the “E” Estate Residence District is to encourage the retention of the rural nature and character of the Township through large lot residential uses, agricultural uses and their accessory uses, in areas where sanitary sewer is not readily accessible.

Section 7.2 Principal Permitted Uses

The following uses are permitted as of right in the “E” Estate District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> Residential Care Facility; excluding Group Homes and Adult Homes pursuant to Title 37 of the Ohio Revised Code Single Family Dwelling 	<ul style="list-style-type: none"> Religious Place of Worship 	<ul style="list-style-type: none"> Agriculture Roadside Stands

Section 7.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “E” Estate District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 7.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “E” Estate District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> Accessory Apartment Bed and Breakfast Establishment ECHO Unit 	<ul style="list-style-type: none"> Cemetery Non-Commercial Parks and Recreational Facility Public Owned and Operated Property or Facility 	<ul style="list-style-type: none"> Club Commercial Stables Golf Course; Excluding Miniature Golf and Stand Alone Driving Ranges Outdoor Recreation Private Airport and Landing Field Private Stables

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
		<ul style="list-style-type: none">• Radio Antenna, Television Transmitter and Satellite Dishes Over 90 Feet in Height

Section 7.5 Lot Development Standards

The following development standards shall apply to lots located within the “E” Estate District:

Minimum Lot Area	<ul style="list-style-type: none">• 217,800 square feet (5 Acres)
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 30%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 200 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 100 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 40 Feet Each Side Yard
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 45 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet; Excluding Agricultural Buildings and Structures• Accessory structures and buildings shall not exceed 25 Feet; Excluding Agricultural Buildings and Structures

Section 7.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 7.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 7.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 8
“RLD” RESIDENTIAL LOW DENSITY DISTRICT**Section 8.1 Purpose**

The purpose of the “RLD” Residential Low Density District is to encourage the creation and retention of single family dwellings and their accessory uses in the Township where sanitary sewer or public water may or may not be available.

Section 8.2 Principal Permitted Uses

The following uses are permitted as of right in the “RLD” Residential Low Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Residential Care Facility; excluding Group Homes and Adult Homes pursuant to Title 37 of the Ohio Revised Code• Single Family Dwelling	<ul style="list-style-type: none">• Educational Institutions• Religious Place of Worship	<ul style="list-style-type: none">• Agriculture• Roadside Stands

Section 8.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RLD” Residential Low Density District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 8.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “RLD” Residential Low Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Accessory Apartment• Assisted Living Care Center• Bed and Breakfast Establishment• Nursing Home, Rest Home or Convalescent Care Facility• Temporary Elderly Opportunity Housing (ECHO)	<ul style="list-style-type: none">• Non-Commercial Parks and Recreational Facility• Outdoor Recreation• Public Owned and Operated Property or Facility	<ul style="list-style-type: none">• Club• Private Stables

Section 8.5 Lot Development Standards

The following development standards shall apply to lots located within the “RLD” Residential Low Density District:

Minimum Lot Area	<ul style="list-style-type: none">• 87,120 square feet (2 Acres)
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 30%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 200 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 75 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 30 Feet Each Side Yard
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 45 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet; Excluding Agricultural Buildings and Structures• 25 Feet Accessory Structures

Section 8.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 8.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 8.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 9
“RMD” RESIDENTIAL MEDIUM DENSITY DISTRICT**Section 9.1 Purpose**

The purpose of the “RMD” Residential Medium Density District is to encourage the creation and retention of single family and, where appropriate, two family dwellings and their accessory uses in the Township in areas where both sanitary sewer and public water may be available.

Section 9.2 Principal Permitted Uses

The following uses are permitted as of right in the “RMD” Residential Medium Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Residential Care Facility; excluding Group Homes and Adult Homes pursuant to Title 37 of the Ohio Revised Code• Single Family Dwelling	<ul style="list-style-type: none">• Educational Institutions• Religious Place of Worship	<ul style="list-style-type: none">• Agriculture

Section 9.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RMD” Residential Medium Density District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 9.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “RMD” Residential Medium Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Accessory Apartment• Assisted Living Care Center• Bed and Breakfast Establishment• Nursing Home, Rest Home or Convalescent Care Facility• Temporary Elderly Opportunity Housing (ECHO)• Two Family Dwelling	<ul style="list-style-type: none">• Non-Commercial Parks and Recreational Facility• Outdoor Recreation• Public Owned and Operated Property or Facility	<ul style="list-style-type: none">• Club• Private Stables

Section 9.5 Lot Development Standards

The following development standards shall apply to lots located within the “RMD” Residential Medium Density District:

Minimum Lot Area	<ul style="list-style-type: none">• 43,560 Square Feet with Sanitary Sewer for Residential Uses (1 Acre)• 87,120 Square Feet without Sanitary Sewer for Residential Uses (2 Acres)• 43,560 All Other Uses (1 Acre)
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 30% Single Family Dwellings• 40% All Other Uses
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 150 Feet for Lots 43,560 in Size• 200 Feet for Lots Larger than 43,560 in Size
Minimum Front Yard Setback	<ul style="list-style-type: none">• 60 Feet• If three or more houses are within 500 feet, then the average front yard setback shall be observed
Minimum Side Yard Setback	<ul style="list-style-type: none">• 20 Feet Each Side Yard
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 45 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet; Excluding Agricultural Buildings and Structures• 25 Feet Accessory Structures

Section 9.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 9.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 9.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 10
“RHD” RESIDENTIAL HIGH DENSITY DISTRICT**Section 10.1 Purpose**

The purpose of the “RHD” Residential High Density District is to encourage the creation and retention of single family and, where appropriate, two family and multiple family dwellings and their accessory uses in the Township in areas where both sanitary sewer and public water may be available.

Section 10.2 Principal Permitted Uses

The following uses are permitted as of right in the “RHD” Residential High Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Residential Care Facility; pursuant to Title 37 of the Ohio Revised Code• Single Family Dwelling• Two Family Dwelling	<ul style="list-style-type: none">• Educational Institutions• Religious Place of Worship	<ul style="list-style-type: none">• Agriculture

Section 10.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RHD” Residential High Density District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.23.
- Fences; Pursuant to Section 18.17.
- Home Occupations; Pursuant to Section 18.14.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 10.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “RHD” Residential High Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Accessory Apartment • Assisted Living Care Center • Bed and Breakfast Establishment • Conversion of Single Family Dwelling to Multi-Family Dwelling • Multi-Family Dwelling • Nursing Home, Rest Home or Convalescent Care Facility • Temporary Elderly Opportunity Housing (ECHO) 	<ul style="list-style-type: none"> • Hospital • Non-Commercial Parks and Recreational Facility • Outdoor Recreation • Public Owned and Operated Property or Facility 	<ul style="list-style-type: none"> • Club • Private Stables

Section 10.5 Lot Development Standards

The following development standards shall apply to lots located within the “RHD” Residential High Density District:

Minimum Lot Area	<ul style="list-style-type: none"> • 21,780 Square Feet with Sanitary Sewer for Single Family Dwellings (½ Acre) • 43,560 Square Feet with Sanitary Sewer for Two Family Dwellings (1 Acre) • 87,120 Square Feet without Sanitary Sewer for Single and Two Family Dwellings (2 Acres) • Maximum 6 Dwelling Units Per Acre for Multi-Family Dwellings • 43,560 All Other Uses (1 Acre)
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 30% Single Family Dwellings • 40% Two Family Dwellings • 50% All Other Uses
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 100 Feet for Lots 21,780 in Size • 150 Feet for Lots 43,560 in Size • 200 Feet for Lots Larger than 43,560 in Size
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 60 Feet for Lots Less than 87,120 in Size • 75 Feet for Lots Greater than 87,120 in Size • If three or more houses are within 500 feet, then the average front yard setback shall be observed
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 20 Feet Each Side Yard for Single Family and Two Family Dwellings • 30 Feet All Other Uses.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 45 Feet
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet; Excluding Agricultural Buildings and Structures • 25 Feet Accessory Structures

Section 10.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 10.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 10.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

This Page Intentionally Left Blank

ARTICLE 11
OPEN FOR FUTURE EXPANSION

This Page Intentionally Left Blank

ARTICLE 12 “NB” NEIGHBORHOOD BUSINESS DISTRICT

Section 12.1 Purpose

The purpose of the “NB” Neighborhood Business District is to provide for businesses and services that are completely enclosed in buildings and that are small in size; to provide convenience goods and services to local residents; and to identify businesses which can be located adjacent to residential properties without being detrimental to the residential neighborhood.

Section 12.2 Principal Permitted Uses

The following uses are permitted as of right in the “NB” Neighborhood Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted Living Care Facility • Bed and Breakfast Establishment • Residential Care Facility; pursuant to Title 37 of the Ohio Revised Code • Single Family Dwelling 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Business or Professional Office • Commercial Entertainment; Excluding Sexually Oriented Businesses • Personal Service • Restaurants; Excluding Drive-In or Drive Through Facilities • Retail Business; Under 5,000 Square Feet in Floor Area

Section 12.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “NB” Neighborhood Business District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.24.
- Fences; Pursuant to Section 18.17.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty-five (25) percent of the principal building or structure.

Section 12.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “NB” Neighborhood Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Single Family Dwelling Units When Located on Upper Floors of a Retail or Office Use.	<ul style="list-style-type: none">• Educational Institutions• Hospital• Non-Commercial Parks and Recreation Facility• Public Owned and Operated Property or Facility• Religious Place of Worship	<ul style="list-style-type: none">• Club• Car Wash• Drive Through Facilities• Fast Food Restaurant• Gasoline Filling Station

Section 12.5 Lot Development Standards

The following development standards shall apply to lots located within the “NB” Neighborhood Business District:

Minimum Lot Area	<ul style="list-style-type: none">• None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 70%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 100 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 60 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 20 Feet Each Side• 40 Feet Each Side when Abutting a Conservation, Agricultural or Residential District with adequate buffering as approved by the Zoning Commission.
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 15 Feet• 40 Feet when Abutting a Conservation, Agricultural or Residential District with adequate buffering as approved by the Zoning Commission.
Maximum Building Height	<ul style="list-style-type: none">• 45 Feet; Excluding Agricultural Buildings and Structures• 25 Feet; Accessory Structures

Section 12.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 12.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 12.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

ARTICLE 13 “GB” GENERAL BUSINESS DISTRICT

Section 13.1 Purpose

The purpose of the “GB” General Business District is to provide places for businesses and offices which serve Township and regional markets; provide goods and services to other businesses, as well as consumers; provide services to automobiles; and serve the traveling public.

Section 13.2 Principal Permitted Uses

The following uses are permitted as of right in the “GB” General Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> Assisted Living Care Facility Bed and Breakfast Establishment Residential Care Facility; pursuant to Title 37 of the Ohio Revised Code Single Family Dwelling 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Animal Hospital or Veterinarian Clinic Building Materials Sales and Storage Yard Business or Professional Office Commercial Entertainment; Excluding Sexually Oriented Businesses Personal Service Restaurants; Excluding Drive-In or Drive Through Facilities Retail Business Wholesale Sales

Section 13.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “GB” General Business District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.24.
- Fences; Pursuant to Section 18.17.
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty five (25) percent of the principal building or structure.

Section 13.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “GB” General Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling Units When Located on Upper Floors of a Retail or Office Use. 	<ul style="list-style-type: none"> • Educational Institutions • Hospital • Non-Commercial Parks and Recreation Facility • Public Owned and Operated Property or Facility • Religious Place of Worship 	<ul style="list-style-type: none"> • Automobile Repair Garage • Automobile, Truck, Trailer, Farm Implement Sales and Repair • Bar or Tavern • Car Wash • Club • Contractors Yard • Drive Through Facilities • Fast Food Restaurant • Gasoline Filling Station • Light Manufacturing • Personal Storage Facility • Research and Development Facility • Trucking, Express, Transfer or Hauling Terminal • Warehouse

Section 13.5 Lot Development Standards

The following development standards shall apply to lots located within the “GB” General Business District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 80%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 150 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 60 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 20 Feet Each Side • 40 Feet Each Side when Abutting a Conservation, Agricultural or Residential District with adequate buffering as approved by the Zoning Commission.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 15 Feet • 40 Feet when Abutting a Conservation, Agricultural or Residential District with adequate buffering as approved by the Zoning Commission.
Maximum Building Height	<ul style="list-style-type: none"> • 45 Feet; Excluding Agricultural Buildings and Structures • 25 Feet; Accessory Structures

Section 13.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 13.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 13.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

This Page Intentionally Left Blank

ARTICLE 14
OPEN FOR FUTURE EXPANSION

This Page Intentionally Left Blank

ARTICLE 15
“I” INDUSTRIAL DISTRICT**Section 15.1 Purpose**

The purpose of the “I” Industrial District is to provide appropriate places for clean, low environmental impact industrial uses that are compatible with neighboring commercial districts through limiting off-site impacts, outdoor storage and providing adequate landscaping and screening for buildings, structures and off-street parking areas.

Section 15.2 Principal Permitted Uses

The following uses are permitted as of right in the “I” Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Automobile Repair Garage• Automobile, Truck, Trailer, Farm Implement Sales and Repair• Building Materials Sales and Storage Yard• Business or Professional Office• Contractors Yard• Light Manufacturing• Research and Development Facility• Warehousing

Section 15.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “I” Industrial District:

- Accessory Buildings, Structures and Uses; Pursuant to Section 18.24.
- Fences; Pursuant to Section 18.17.
- Retail Business when Associated with the Industrial Use (e.g. Factory Outlet).
- Signs; Pursuant to Article 23.
- Outdoor Bulk Storage or Display; Pursuant to Section 18.19.

Accessory uses located within the principal structure shall not occupy more than twenty five (25) percent of the principal building or structure.

Section 15.4 Conditional Permitted Uses

The following uses are permitted as conditional uses in the “I” Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institutions • Non-Commercial Parks and Recreation Facility • Public Owned and Operated Property or Facility 	<ul style="list-style-type: none"> • Animal Hospital or Veterinarian Clinic • Commercial Entertainment • Drive Through Facilities • Fast Food Restaurant • Gasoline Filling Station • Personal Service • Personal Storage Facilities • Radio Antennas, Television Transmitters and Satellite Dishes over 90 Feet in Height • Restaurant • Retail Business • Sexually Oriented Business • Trucking, Express, Transfer or Hauling Terminal • Wholesale Sales

Section 15.5 Lot Development Standards

The following development standards shall apply to lots located within the “I” Industrial District:

Minimum Lot Area	<ul style="list-style-type: none"> • 87,120 Square Feet (2 Acres)
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 80%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 250 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 100 Feet • 75 Feet if Across from Industrially Zoned Land
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 50 Feet • 150 Feet when Abutting a Conservation, Agricultural or Residential District with adequate buffering as approved by the Zoning Commission.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 75 Feet with adequate buffering as approved by the Zoning Commission.
Maximum Building Height	<ul style="list-style-type: none"> • 50 Feet; Excluding Agricultural Buildings and Structures • Accessory Structures Shall Not Exceed the Height of the Principal Building or Structure

Section 15.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 19.

Section 15.7 Signage Requirements

Signage requirements shall be as regulated in Article 23.

Section 15.8 Bufferyard and Landscape Requirements

Bufferyard and Landscape Requirements shall be as regulated in Article 20.

This Page Intentionally Left Blank

ARTICLE 16
OPEN FOR FUTURE EXPANSION

This Page Intentionally Left Blank

**ARTICLE 17
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

Section 17.1 Purpose

This Article authorizes the creation of certain types of Planned Unit Development Overlay Districts which provide a flexible zoning procedure for residential, commercial, and industrial land uses. These Overlay Districts permit new techniques in community development and flexible design and development regulations which assure an efficient utilization and allocation of land. Maximum overall gross densities and intensities can be achieved on tracts within these Districts when recommended by the Zoning Commission and approved by the Board of Trustees which:

- A. Assures a minimum adverse effect on natural features and the environment;
- B. Assures greater efficiency in providing public and utility services;
- C. Due to key design, land use, or public amenities offer an increased overall benefit to the community and which promotes the public health, safety and general welfare;
- D. Encourages the creation and retention of open spaces consistent with the open space character of the surrounding areas; and
- E. Assures the most financially appropriate and efficient application of Township resources in infrastructure and services.

Section 17.2 Types of Planned Unit Development Overlay Districts

The following are the types of Planned Unit Development Overlay Districts which are available to property owners at their election:

- A. "R-PUD" Residential Planned Unit Development Overlay District

The purpose of this Overlay District is to encourage the creation of residential neighborhoods with a variety of housing types that retain natural resources, provide adequate landscaping and open space areas that are compatible with the character of adjoining land uses. One limited retail use, less than 5,000 square feet which serves the immediate surrounding residential neighborhood, may be permitted by the Township.

- B. "C-PUD" Commercial Planned Unit Development Overlay District

The purpose of this Overlay District is to create a commercial mixed use environment with streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character. Proposed buildings should have rooflines and architectural features that provide identity and emphasize the most important use with visual elements.

- C. "RC-PUD" Residential Commercial Mixed Planned Unit Development Overlay District

The purpose of this Overlay District is to create a creative residential and commercial mixed use environment. Commercial uses shall not exceed twenty-five (25) percent of the total acreage of land uses in the development.

Section 17.3 Principal Permitted Uses

All uses in a Planned Unit Development Overlay District are subject to the approval of a Preliminary and Final Development Plan by the Zoning Commission and the Board of Township Trustees pursuant to the provisions of this Article. The following explains the uses permitted by each of the Planned Unit Development Districts.

- A. The following uses are permitted uses in the “R-PUD” District:

Any use permitted either as a principal or conditional use in the “C”, “AR”, “E”, “RLD”, “RMD” or “RHD” Districts.

- B. The following uses are principal or conditional uses in the “C-PUD” District:

Any use permitted either as a principal or conditional use in the “NB” or “GB” Districts.

- C. The following uses are principal or conditional uses in the “RC-PUD” District:

Any use permitted either as a principal or conditional use in the “C”, “AR”, “E”, “RLD”, “RMD”, “RHD”, “NB” or “GB” Districts.

Section 17.4 General Design Standards

Design standards for area, lot coverage, density, yard requirements, parking, landscaping and screening for a proposed Planned Unit Overlay Development shall be established by these minimum standards and with the recommendation and approval of the Zoning Commission and Board of Trustees on the Preliminary Development Plan. Standards for public infrastructure improvements shall be governed by the applicable regulations of the County agency charged with the responsibility for review and approval.

- A. Minimum Lot Area

The tract of land to be developed as a Planned Unit Development Overlay District shall be a minimum of five (5) acres. Infill tracts of less than five (5) acres may be considered and approved by the Zoning Commission and Board of Trustees when the development is in compliance with the Wayne Township Growth Management Plan.

- B. Maximum Density

Residential densities shall not exceed twenty (20) percent of the underlying zoning district.

C. Common Open Space

There shall be reserved, within the tract to be developed as a Planned Unit Development Overlay District, a minimum percentage of land area of the entire tract for use as common open space.

1. Minimum Percentage of Common Open Space Land Required

Type of PUD	Minimum Percentage of Land Required
R-PUD	Fifteen (15) percent for projects exclusively dedicated to single family dwellings
R-PUD	Twenty (20) percent for projects of mixed dwelling units
R-PUD	Twenty (20) percent for projects of multi-family dwelling units
C-PUD	Fifteen (15) percent
RC-PUD	Twenty (20) percent

2. Useable Land

Required common open space shall not consist of isolated or fragmented pieces of land which will serve no useful purpose or which will present maintenance difficulties.

3. Types of Common Open Space Permitted

Required common open space may include pedestrian walkways excluding sidewalks, dedicated parkland, open areas left in a natural state (woodland, riparian areas, wetlands, meadows, etc.), bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street rights-of-ways.

4. Ownership of Common Open Space

Ownership of common open space in an “R-PUD” or an “RC-PUD” shall be transferred by the developer to a legally established homeowners association, or, if accepted, to the Board of Trustees or other public or quasi-public agency. Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership, subject to size and special conditions that may be applied by the Zoning Commission and/or the Board of Trustees. Such facility shall be officially recorded on the plat.

Any open space in private ownership or under homeowner association control which has not been improved shall be protected by a conservation easement shown on the Final Development Plan and approved in connection with the Final Development Plan with deed restrictions approved in connection with the Final Development Plan prohibiting, in perpetuity, the development and/or subsequent subdivision of the resource protection areas or their use for purposes other than those specified on the Final Development Plan.

D. Utilities

All utilities in any approved PUD shall be located underground. Any street lights proposed for residential areas of a PUD shall be limited to twenty (20) feet in height.

E. Fire Prevention

Fire hydrants shall be provided in all PUD's and shall be approved by the Wayne Township Fire Prevention Division. If water is not available for hydrants, a fire pond shall be incorporated into the PUD as approved by the Wayne Township Fire Prevention Division.

Section 17.5 Planned Unit Development Overlay Requires District Change

In addition to the following specific procedures and provisions of this Article regarding requirements from application and approval of Planned Unit Development Overlay Districts, an application request for any of the Planned Unit Development Overlay Districts included in this Article are also subject to the procedures set forth in Article 3, Zoning District and Resolution Amendments. The original establishment and application of a Planned Unit Development Overlay shall be regarded as and subject to the same requirements of a District Change.

Section 17.6 Procedures for Application

The following procedures shall be followed in applying for rezoning to a Planned Unit Development Overlay District:

- A. Application Submission. An applicant may submit an application requesting that the Zoning District Map be amended to rezone a site as a Planned Unit Development Overlay District. Such applications shall be processed, noticed, and heard in a manner prescribed in this Section and in accordance with the provisions of this Zoning Resolution and Section 519.12 of the Ohio Revised Code.
- B. Informal Consultation. Applicants are encouraged to engage in informal consultations with the staffs of the Wayne Township Zoning Administrator and all applicable agencies prior to filing any application request for a Planned Unit Development Overlay. No statement or representation by members of either staff, however, shall be binding upon either such Commission or upon any other zoning body.

After meeting with the Township Zoning Administrator to discuss the procedures, the applicant must submit the Planned Unit Development Overlay Application Packet (available from the Zoning Department), fully completed, along with a fee in the amount determined by the Board of Trustees to cover the cost of publishing, posting and/or mailing the notices of the hearings required by the foregoing provisions and/or any other expenses in conjunction therewith. In addition to the application packet, a Preliminary Development Plan pursuant to Section 17.7, Submission of a Preliminary Development Plan, must also be submitted with the application.

The Zoning Commission or the Board of Township Trustees may determine that the review of a Preliminary or Final Development Plan requires the assistance of engineers, architects, planners or attorneys to assist either in the evaluation of any Preliminary Development Plan or Final Development Plan. In such event, the Zoning Commission or the Board of Township Trustees may require that the applicant pay the fees of such persons so retained to assist the Zoning Commission or the Board of Township Trustees. By its submission of an application for Preliminary Development Plan or Final Development Plan approval, the applicant agrees to pay such fees.

- C. Zoning Certificate. No Zoning Certificate shall be issued for any property for which a rezoning is requested and no construction shall begin until the Final Development Plan approved for the development or specific phase of the development.

Section 17.7 Submission of Preliminary Development Plan

- A. The applicant shall submit ten (10) copies of the Preliminary Development Plan and one (1) copy of the plan in 8½" x 11" or 11"x 17" format, together with the other information required by the application packet. The application packet, available from the Zoning Department, contains a checklist of submission requirements and application procedures for Planned Unit Development Overlay Districts. The Preliminary Development Plan shall include the following items **as a minimum**:
1. A plat of survey of the tract to be developed, showing a metes and bounds description of the tract and survey of tract lines and a total area of the tract in acres, existing Zoning District boundaries, the tract and District to be rezoned, and the property ownership of the tract and all adjacent parcels and buildings within two hundred (200) feet of the tract.
 2. A list of names and address of all owners of property within five hundred (500) feet or five properties from the subject property; whichever is greater.
 3. A sign shall be erected on the subject property, provided by the Township, in a visible location at the front property line indicating a Zone Change Hearing on the property. The sign shall contain the following as a minimum: the words "Zone Change Hearing", Date and Time of the hearing and the zone change request (e.g. "E" Residential to "RC-PUD"). The posting of such sign shall conform to the notification time frame as established by Section 512.12 A of the Ohio Revised Code.
 4. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
 5. Time schedule of projected development including the phasing schedule of each Section of development, if applicable, or if construction is to extend beyond a two (2) year time period.
 6. Boundaries and easements of the tract to be zoned as a Planned Unit Overlay District.
 7. Highways and streets in the vicinity of the tract, the ingress and egress to the tract, existing utilities and sidewalks on or adjacent to the tract.

8. Base mapping of the tract showing the physical features, including: significant natural features such as general topography, soils, drainage ways, water bodies, flood plains, wetlands, rock outcrops, and forested areas.
9. A preliminary site plan showing the following: the approximate areas and arrangements of the proposed uses and the relationship of abutting land uses and zone districts, the proposed general location of vehicular circulation showing how this circulation pattern relates to the primary and secondary road alignments designated on the Clermont County Thoroughfare Plan, proposed lots, including set back lines, proposed sidewalks and pedestrian walks and trails, playgrounds, and recreational facilities and other significant features such as rights-of-way, easements, buildings and utility lines.
10. Proposed treatment of existing topography, drainage ways, tree cover, and the location of schools, parks, community amenities or facilities, if any.
11. In the case of an “R-PUD” Overlay District, the Preliminary Development Plan shall identify the density and principal and accessory types of uses that are to be included in the proposed development including the approximate acreage of the common open space.
12. In the case of a “C-PUD” Overlay District, the Preliminary Development Plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size and intensity. The proposed type, general location and approximate acreage of common open space shall also be included.
13. If required by the Zoning Commission or Board of Trustees, a Traffic Impact Analysis of the proposed development on roadways and intersections within a study area based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation and Information Report that at a minimum addresses the following elements: (1) existing roadway conditions, including existing deficiencies and proposed improvements, (2) trip generation based upon the development characteristics, (3) distribution and assignment of trips based upon existing and future road network and travel time characteristics, (4) background traffic projections, (5) capacity (level of service) analysis methodology for roadways and intersections, (6) types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development. A traffic impact analysis shall be provided in addition to any information required by the Clermont County Engineer.
14. Analysis of the compliance of the proposed structures and uses shown in the Preliminary Development Plan with the guidelines and regulations of the Clermont County Water Management and Sediment Control Regulations.

15. Additional information as may be required by the Zoning Commission or Board of Trustees.

Section 17.8 Procedures for Approval of the Preliminary Development Plan

- A. The applicant shall submit the complete Planned Unit Development Overlay Application Packet and Preliminary Development Plan to the Wayne Township Zoning Department.
- B. The Zoning Department, upon receiving such application and Preliminary Development Plan shall, within five (5) days, transmit a copy to the Clermont County Planning Commission for such Commission's recommendation to the Wayne Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed zoning amendments and Preliminary Development Plan.
- C. The Wayne Township staff shall study the material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal submitted. Staff shall also submit written recommendations to the Zoning Commission and the applicant prior to the public hearing held by the Zoning Commission.
- D. The Zoning Commission shall advertise and hold a public hearing on the Preliminary Development Plan and the Clermont County Planning Commission's recommendation in accordance with Article 3, Zoning District and Resolution Amendments. The Zoning Commission shall prepare and transmit written findings of fact regarding its decision.
- E. Following the public hearing by the Zoning Commission, the application, Preliminary Development Plan, staff report, recommendation of the Clermont County Planning Commission and recommendation of the Zoning Commission shall be forwarded to the Board of Trustees within thirty (30) days after such hearing. The Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any interested persons.
- F. The Board of Township Trustees shall and hold a public hearing on the Preliminary Development Plan in accordance with Article 3, Zoning District Changes and Resolution Amendments within thirty (30) days after receiving the recommendation of the Zoning Commission with respect to the Preliminary Development Plan. The Board of Township Trustees shall disapprove, approve or approve the Preliminary Development Plan with modifications, conditions or restrictions, within twenty (20) days after such public hearing. The unanimous vote of the Board of Trustees shall be required to deny or modify the recommendation of the Zoning Commission. The Board of Trustees shall make written findings of fact regarding its decision.
- G. If the application is so approved, the area of land involved shall be deemed rezoned to the Planned Unit Development Overlay District specified in the approved Preliminary Development Plan and such approved Preliminary Development Plan, including any amendment, condition or restriction that may be imposed by the Board of Township Trustees, shall be deemed incorporated into the Zoning Resolution and on the Official Zoning Map after the subsequent referendum period has ended.

Section 17.9 Required Conditions for Approval of Preliminary Development Plan

The Zoning Commission and the Board of Township Trustees shall study and review all applications for Planned Unit Developments and shall make written findings as to whether all requirements have been satisfied. The following serve as conditions which should generally be satisfied before the approval of the Preliminary Development Plan.

- A. The Planned Unit Development Overlay District is consistent with the purpose of this Resolution and with the adopted Wayne Township Growth Management Plan.
- B. The uses proposed will not be detrimental to existing surrounding land uses, and will have a beneficial effect which could not be achieved as well under other Zoning Districts.
- C. The proposed development can be substantially completed within the period of time specified in the Schedule of Development submitted by the applicant.
- D. The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Wayne Township Growth Management Plan or the Clermont County Thoroughfare Plan, as the case may be. The approved Preliminary Development Plan must demonstrate that improvements or other actions have been or will be taken to mitigate any traffic problems identified in the impact analysis as may have been required above that are attributable to the proposed development.
- E. The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.
- F. The proposed infrastructure, utilities, and other proposed facilities are adequate to serve the Planned Unit Development and properly interconnect with existing public facilities.
- G. The proposed uses, overall density, locations, and arrangement of structures, lots, parking areas, walks, open space, landscaping, lighting, and appurtenant facilities are compatible with the surrounding land uses.
- H. Proposed covenants, easements, and other provisions meet development standards and protect the public health, safety, and general welfare.
- I. The minimum common open space area(s) have been designated and shall be duly transferred to a legally established Homeowners Association or has been dedicated to Wayne Township or another public or quasi-public agency.

Section 17.10 Time Limits and Extensions for Preliminary Development Plan

The approval of a Preliminary Development Plan shall become null and void and the Board of Trustees or Zoning Commission may initiate proceedings to rezone the land to its former zoning classification unless, within three (3) years of the date of approval of the Preliminary Development Plan, construction has started and has been formally approved by the Zoning Commission in accordance with the provisions of this Article and Resolution.

An extension of the time limit for the Preliminary Development Plan may be approved by the Board of Trustees. Such approval may be given upon a finding of the purpose and necessity for such extension, evidence of reasonable effort toward the accomplishment of the Preliminary Development Plan and the recommendation of the Zoning Commission.

Section 17.11 Submission of Final Development Plan

- A. Once the Planned Unit Development Overlay District and the Preliminary Development Plan have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the detailed Final Development Plan in whole or in phases. The applicant shall submit ten (10) copies of the Preliminary Development Plan and one (1) copy of the plan in 8½" x 11" or 11"x 17" format, together with the other information required by the application packet. The application packet, available from the Zoning Department, contains a checklist of submission requirements and application procedures for Planned Unit Development Overlay Districts.
- B. A Final Development Plan shall be filed for any portion of a tract covered by an approved Preliminary Development Plan that the applicant seeks to develop. The Final Development Plan shall conform to the approved Preliminary Development Plan and shall conform to any applicable Clermont County Subdivision Regulations or Clermont County requirements for maintaining health or safety. The Final Development Plan shall be prepared by a professional urban planner, engineer, architect or landscape architect and include the following items **as a minimum**:
 - 1. A plat of the tract to be developed showing existing physical features, including general topography.
 - 2. A site plan showing the location and arrangement of all existing and proposed structures, including building pads for single family detached units in cases in which site constraints limit the placement of proposed structures, the proposed traffic circulation pattern within the tract, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and Zoning Districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways, utilities, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites, and recreational facilities.
 - 3. Calculations of density and common open space. The total area of common open space provided at any phase of development must, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD District as the phases or units when completed shall bear to the entire PUD District.

4. Preliminary building plans including floor plans, and exterior elevations and types of building materials.
5. Landscaping plans prepared by a landscape architect, showing the placement of trees, shrubs, ground cover, and associated structures and improvements, including size, varieties, quantities, and installation of landscaping for common areas, parking areas, open space, street trees, typical front yards and buffers.
6. Specific engineering plans, including site grading, street plans and improvements, drainage and utility improvements and extensions and treatment of general topography and common open space as necessary.
7. When a development is to be constructed in phases, a Schedule for Development of such phases will be submitted. No such phase shall have a Density exceeding the maximum permitted Density of the entire PUD.
8. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land that the applicant proposes to develop.
9. In the case of an “R-PUD”, the Final Development Plan shall also include the proposed type of unit, density level, and area and setback requirements of each residential area including the type, location and acreage of common open space.
10. In the case of a “C-PUD”, the Final Development Plan shall identify the principal and accessory types of uses that are to be included in the development and the area and setbacks which are proposed. The proposed type, location, and acreage of all common open space shall also be included.
11. When a PUD includes provisions for common open space or recreational facilities, a statement describing the provisions that are to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Articles of Incorporation and By-Laws of such entity shall be submitted.
12. Copies of any Declaration of Easements and Covenants that are to be recorded with respect to tract included in the Planned Unit Development Overlay District.
13. All necessary legal documentation relating to the incorporation of a Homeowner’s Association for the purpose of maintaining the specified common open space within the Planned Unit Development.
14. At the discretion of the Township Trustees, a performance bond or other similar type bonding instrument may be required to be posted by the Developer.

Section 17.12 Procedures for Approval of the Final Development Plan

- A. The applicant shall submit the complete Final Development Plan to the Wayne Township Zoning Department.
- B. The Wayne Township staff shall study the material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal submitted. Staff shall also submit written recommendations to the Zoning Commission and the applicant prior to the public hearing held by the Zoning Commission.
- C. Upon receipt of the detailed Final Development Plan and recommendations of staff, the Zoning Commission shall, at a public meeting of the Zoning Commission, study and review the detailed Final Development Plan on the basis that all requirements have been satisfied and the conditions specified in Section 17.4, General Standards, have been met and that the Final Development Plan generally conforms to the approved Preliminary Development Plan. The Zoning Commission may deny approve, or approve with amendments, conditions or restrictions. Copies of the written findings and recommendations of the Zoning Commission shall be made available to any interested persons.

Section 17.13 Required Conditions for Approval of the Final Development Plan

The Zoning Commission shall study, review and make written findings regarding the Final Development Plan to ensure the following specific conditions have been met:

- A. Appropriate arrangements with the applicant have been made which will ensure the accomplishment of the public improvements and the reservation of common open space as indicated on the Preliminary and Final Development Plan. If deemed necessary by the Board of Trustees during the Preliminary Development Plan process, this may require that the Board of Trustees hold bond to ensure the successful and proper completion.
- B. The proposed detailed Final Development Plan for the individual sections of the overall Planned Unit Development Overlay District is consistent in contents with the approved Preliminary Development Plan and the Wayne Township Growth Management Plan.
- C. Each individual phase of the development can exist as an independent unit which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- D. That any part of the Planned Unit Development not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved or, if approved by the Zoning Commission, be left in its natural state.
- E. That any exception from the design standards provided in the Planned Unit Development is warranted by the design and amenities incorporated in the detailed Final Development Plan.
- F. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.

- G. That the detailed Final Development Plan is consistent with the intent and purpose of this Resolution to promote the public health, safety and general welfare of the residents of Wayne Township, Clermont County, Ohio.
- H. The Final Development Plan has been transmitted to all other agencies and departments charges with the responsibility of review.

Section 17.14 Effects of Final Development Plan Approval

The approved Final Development Plan shall be kept on record in the Wayne Township Zoning Department together with all Resolutions, applications, plats, plans and other information regarding the development. The Resolutions prepared by the Zoning Commission and the Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the development. The use of the Planned Unit Development Overlay or the location, erection, construction, reconstruction, enlargement or change of any building or structure in a manner which is not consistent with the approved Final Development Plan shall be considered a violation of this Resolution and subject to the procedures and penalties specified in this Resolution.

Section 17.15 Subdivision Plat Required

A Zoning Certificate may be issued for a structure in a Planned Unit Development Overlay District, in accordance with an approved Final Development Plan, only following approval by the Clermont County Planning Commission of a final subdivision plat for that portion of the Planned Unit Development Overlay within which the proposed structure is to be located, and recording of the subdivision plat approved by that Commission.

Section 17.16 Required Conditions for the Issuance of a Zoning Certificate and Final Certificate of Occupancy

- A. No Zoning Certificate shall be issued for any property in a Planned Unit Development Overlay District and no construction, except preliminary excavation, shall begin until an approved Final Development Plan is in effect for that phase or property. The Final Development Plan becomes effective upon approval of a Resolution by the Zoning Commission.
- B. No Final Certificate of Occupancy shall be granted for any property in a Planned Unit Development Overlay District until the Zoning Department received written certification that all public and private improvements have been satisfactorily installed pursuant to applicable regulations. In the case of private improvements, the certification shall be provided by a professional registered engineer or architect.

Section 17.17 Time Limits and Extensions for Final Development Plan

If an applicant fails to diligently pursue development of a site in accordance with a Final Development Plan, the Board of Township Trustees may, following a public hearing, by Resolution, revoke Final Development Plan approval.

If a subdivision plat for the area included in the Final Development Plan has not been recorded in the records of the Clermont County Recorder within one (1) year after the date of Final Development Plan approval, the Board of Township Trustees may revoke the approval of the Final Development Plan. Upon revocation of Final Development Plan approval, if a Preliminary Development Plan was approved for the Planned Unit

Development Overlay District, the tract shall revert to the Preliminary Plan Development stage and shall be subject to the submittal timeframe set forth in Section 17.10.

Section 17.18 Adjustments to Planned Unit Developments

An approved Preliminary Development Plan or Final Development Plan may be amended by following the procedures described in this Section.

A. Major Changes

Major changes to an existing Planned Unit Development, modifications from the Preliminary Development Plan, or revisions to a Final Development Plan for a tract of land in which development has not already begun or is completed, in light of technical or engineering considerations, shall include the following changes below. Such changes shall be subject to reconsideration and approval by the Board of Trustees as shall be required in accordance with the procedures specified in Sections 17.1 through 17.13, inclusive. Major changes shall be determined by the Zoning Commission and shall include:

1. An increase in density or intensity.
2. Changes in the outside boundaries of the Planned Unit Development Overlay District.
3. Significant modification (more than 10%) of the type, location or amount of land designated for a specific land use or common open space.
4. Modification in the internal street and thoroughfare locations or alignments which may significantly impact traffic patterns or safety.

B. Minor Changes

All changes not deemed to be major changes by the Zoning Commission shall be considered minor changes. Minor changes shall be subject to the approval of the Zoning Commission and the procedures set forth in Sections 17.12 through 17.13.

Section 17.19 Financing Responsibility

No building permits shall be issued for construction within any PUD until all required improvements are installed as agreed upon by the Zoning Commission and the developer on the Preliminary Development Plan or a performance bond, letter of credit or escrow account is posted that will pay for the required improvements if necessary. The bond, letter of credit or escrow shall be posted for one hundred (100) percent of the amount necessary for required improvements.

This Page Intentionally Left Blank

ARTICLE 18 SUPPLEMENTAL REGULATIONS

Section 18.1 Agricultural Uses Permitted

Nothing contained in this Resolution shall prohibit the use of any land for legal 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 and structures are located. Furthermore, no Zoning Certificate shall be required for any such use, building or structure as identified by the appropriate sections of the Ohio Revised Code.

Section 18.2 Recreational Trailers, Recreational Vehicles and Commercial Vehicles

- A. In any Residential High Density (RHD) District, storing a trailer shall be prohibited, except that a recreational vehicle, camp car, truck camper, camper trailer, boat or utility trailer may be parked or stored behind the front building line or required front yard setback, whichever is greater, so as not to interfere with visibility on adjacent properties, provided that no habitation be maintained or business conducted therein while such trailer is parked or stored.
- B. No recreational vehicle, camp car, truck camper, camping unit or camper trailer shall be occupied by anyone for more than thirty (30) days in any six (6) month period in any district except the "C" Conservation/Recreation District. The occupied unit must be located in the side or rear yard and no closer than ten (10) feet to any property line. Any vehicle shall be appropriately licensed if required by the State of Ohio.
- C. No commercial motor vehicle exceeding two (2) tons in rated capacity and owned by a person who is not a lawful resident of the property on which the vehicle is parked may be parked in an open area that is visible from the nearest thoroughfare in any Residential District for longer than seventy-two (72) consecutive hours.

Section 18.3 Temporary Occupancy Certificate Required

A temporary occupancy certificate shall be obtained from the Zoning Department to inhabit a trailer, garage or temporary building while a home dwelling is being constructed, provided the owner has a building permit and shows evidence of continued progress. The temporary occupancy certificate shall be valid for a period of twelve (12) months and shall be evaluated at the end of such time if a request by the applicant is made for an additional ninety (90) day extension. Two ninety (90) day extensions may be permitted by the Zoning Department.

Section 18.4 One Principal Building Permitted

Every building shall be located on a lot. Only one (1) principal building and its customary accessory buildings shall hereinafter be erected on any lot, except as provided below:

- A. There may be more than one (1) principal building on a lot in the Planned Business District, Planned Industrial District or Planned Unit Development Overlay District when approved as part of that specific process.
- B. There may be more than one (1) principal use building in a Business or Industrial District, provided that the required yard setbacks are provided around the group of buildings with approval from the Zoning Commission.

There may be more than one (1) principal building on a lot for multi-family purposes if the required yard setbacks are maintained around the group of buildings and the buildings are separated by a horizontal distance that is at least equal to the height of the highest building with approval from the Zoning Commission.

Section 18.5 Minimum Required Yards and Open Spaces

The minimum required yards and other open space provisions contained in this Resolution for each and every building existing on the effective date of this Resolution or for any building hereafter erected or structurally altered, shall not be encroached upon or considered in yard or open space requirements or density of population requirements for any other building or structure unless specifically permitted in this Resolution.

Section 18.6 Temporary Elderly Opportunity Housing (ECHO)

Temporary Elderly Opportunity Housing (ECHO) shall be regulated by the following requirements:

- A. The primary structure shall be owner occupied and the ECHO Unit shall be occupied by a member of the immediate family sixty-two (62) years of age or older or shall be mentally or physically handicapped and related by blood, adoption or marriage to the owner of the primary structure.
- B. The floor area of the converted unit or ECHO Unit may not exceed one thousand (1,000) square feet of living space and, where applicable, all mobile home standards, except for square footage.
- C. The converted dwelling or ECHO Unit must meet all Clermont County Health District regulations regarding wastewater treatment.
- D. The property owner shall prepare and enter into a written agreement with the Wayne Township Zoning Department whereby the owners agree that the use of the ECHO Unit shall terminate within six (6) months of such time as the applicant no longer owns or occupies the premises or at such time as the relative or relatives no longer occupy the premises.

Such agreement shall be subject to an annual review conducted by the Zoning Department and a written report shall be submitted to the Wayne Township Trustees within thirty (30) days of the review to assure that the conditions of the agreement are in compliance.

Section 18.7 Mobile Home Standards

All new or used mobile homes placed on individual lots as of the effective date of this Resolution shall comply with the following standards:

- A. The minimum square footage of living space in the mobile home shall not be less than 1200 square feet.
- B. All mobile homes shall be:
 - 1. Installed upon and properly attached to a foundation system that provides adequate support of the structures vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line; and
 - 2. Securely anchored to the concrete pad and/or earth by a minimum of eight (8) tie downs; one (1) at each corner with the remainder evenly spaced along the longest dimension;
- C. All mobile homes shall be “skirted” from the ground level to the base of the mobile home with appropriate materials, the color and texture of which is compatible with the exterior siding of the mobile home; and
- D. The area under and extending two (2) feet on all sides from the mobile home shall be graded and/or constructed so as to drain surface water away from the mobile home.

Section 18.8 Cemeteries

Any cemetery established after the effective date of this Resolution must contain no less than five (5) acres. Grounds must be landscaped so as to be an asset to the District in which it is located and shall be properly maintained as per Chapter 517 the Ohio Revised Code.

Section 18.9 Access for Fire Vehicle and Vehicle Apparatus

The purpose of this Section is to facilitate rapid and effective extinguishment of fires by ensuring that all premises shall be readily accessible for effective fire department operations.

- A. Every building in a Commercial or Industrial District permitted by this Resolution shall provide access for fire vehicles and emergency apparatus from a public street as follows:
 - 1. A fire lane shall be required to provide access to any portion of any building which is more than one hundred fifty (150) feet from the nearest street right-of-way when the building exceeds thirty (30) feet in height.
 - 2. A fire lane access exceeding three hundred (300) feet in length shall be provided with a turn around.
 - 3. Fire lanes shall provide clear, unobstructed access for vehicles and apparatus at all times.

4. Signs prohibiting parking or standing of motor vehicles shall be required.
 5. Fire lanes shall be an all weather roadway a minimum of eighteen (18) feet in width.
- B. In addition to the above requirements, a fire lane that provides access to any part of a building may also be required if, upon determination by the Wayne Township Fire Department empowered to provide fire service in the jurisdiction within which the development is proposed, that the distance of a structure from the nearest hydrant and the configuration of structures on the site otherwise inhibit rapid, effective fire extinguishment.
- C. In lieu of meeting the standards specified above, the developer may substitute alternative means (including but not limited to: fire retardant roofs, fire separation walls, space separation and automatic fire extinguishing systems) of insuring the access necessary for effective fire department operations. Such alternatives shall meet the approval of the Wayne Township Fire Department.

Section 18.10 Drive-In and Drive Through Service

Commercial establishments, which by their nature create lines of customers waiting to be served within motor vehicles, shall be provided with off-street waiting areas based upon at least twenty (20) feet in length and at least ten (10) feet in lane width for each vehicle with a minimum of the following:

- A. Drive through or drive-in facilities shall provide sufficient stacking length for at least five (5) vehicles in each drive through or drive-in lane.
- B. Any establishment providing for drive-in gasoline or other motor vehicle fuel sales shall provide space for no less than two (2) vehicles for each accessible side of a motor vehicle fuel pump island.
- C. Such waiting areas shall not obstruct off-street parking spaces or internal circulation on site.
- D. Waiting spaces shall be situated in such a manner that vehicles using the drive through or drive-in facilities are traveling in a continuous forward motion.
- E. A bypass lane shall be required to permit unimpeded circulation around a drive through lane. A bypass lane shall not include parking spaces.

Section 18.11 Required Trash and Garbage Collection Areas

All business, industrial and multi-family residential uses that provide trash and/or garbage collection areas shall:

- A. Have such areas enclosed on at least three (3) sides by a solid wall or fence adequate in height to screen the containers if such area is not within an enclosed building or structure. The enclosure shall be of materials or be painted in such a manner as to be compatible with the principal building.
- B. Incorporate adequate access to and from such area for the collection of trash and/or garbage.

- C. When visible from the public right-of-way, the enclosure shall be provided with a gate to fully screen the containers.

Section 18.12 Private Swimming Pools

All private swimming pools shall be regulated by the Clermont County Health Department; the International One and Two Family Dwelling Code, Swimming Pools, Spas and Hot Tubs; and as established below. Any property owner seeking a swimming pool shall obtain a Zoning Certificate from the Wayne Township Zoning Department for a swimming pool. A fee, as established by the Township Trustees, shall be submitted with the application.

A private swimming pool, as regulated herein, shall be any indoor or outdoor structure, chamber, or tank containing a body of water, deeper than eighteen (18) inches, for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing. A private swimming pool shall NOT include the following: inflatable pools, ponds that fall into the category of aquatic gardens, landscaping ponds or animal water tanks or bodies of water accessory to or used for agricultural purposes.

No such swimming pool shall be permitted in any District except as an accessory use and unless it complies with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants and/or guests of the principal use of the property on which it is located.
- B. In “RHD” Residential High Density Districts, the pool may not be located closer than fifteen (15) feet to any property line of the property on which it is located. In no case shall a private swimming pool be located beyond the front building line of the principal structure.
- C. The swimming pool, or the entire property on which the pool is located, shall be fenced so as to prevent uncontrolled access. Such fence shall not be less than four (4) feet high and a minimum of five (5) feet from the edge of the pool, except for above ground pools with fencing that meets the provisions of this Section and defined in Section 18.12 D. **Pool covers of any type do not meet fencing requirements.**
- D. The fence or wall shall not be less than four (4) feet in height. If the wall of an above ground pool is a minimum of four (4) feet in height then the requirement for a four (4) foot fence or wall is fulfilled. The wall or fence must be solidly constructed, consist of a substantial material permanently affixed to the ground or a solid foundation, contain openings of six (6) inches or less, be a minimum of five (5) feet from the edge of the pool walls, and shall be maintained in good condition with a gate and lock.
- E. All pool access points are to be provided with a lockable fence gate and removable or retractable ladders to prohibit access to the pool when not in use.
- F. All pool service structures, including but not limited to pumping equipment, and filtering equipment shall be screened from view of adjacent properties to the maximum height of the unit. Setbacks shall be followed per Section 18.23.

Section 18.13 Junk Storage

The accumulation and/or storage of junk items including but not limited to disabled vehicles, disabled or inoperative machinery or equipment, dismantled parts of vehicles, machinery or equipment, discarded appliances and furnishings, other junk and debris as defined in the Ohio Revised Code or items which are in a condition that no longer serves the intended purpose shall be prohibited to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents. Or in a condition that prevents the items intended use, shall be prohibited except when stored within a completely enclosed building or structure. Failure to abide by this section, then the Township Trustee's and/or Zoning Department may take necessary action in order to remedy the violation.

Section 18.14 Home Occupations

Home occupations are occupations or business activities which result in product or services that are conducted in whole or in part in the dwelling unit or its accessory building or structures and are clearly subordinate to the residential use of the property. All home occupations shall be subject to the following limitations:

- A. No person other than the property owner and members of the immediate family residing on the premises shall be engaged in the home occupation.
- B. The use shall not occupy more than twenty-five (25) percent of the gross floor area not to exceed 500 square feet, provided, however, this limitation does not apply to child day care.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated. In the RHD Residential High Density District, such sign shall be mounted flat against the wall of the principal building. Freestanding signage for home occupations shall be permitted in all other districts.
- D. Exterior storage of equipment, parts, supplies, materials, products, merchandise, inventory and general waste is prohibited.
- E. No additional points of access to any street, road, or highway shall be constructed specifically to accommodate a home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Resolution. Off-street parking shall not be located in a required front yard other than in a driveway.
- G. No equipment or process shall be used in such home occupation which creates excessive noise, vibration, glare, fumes, odors, electrical interference or any environmental emissions or effluents detrimental to the health, safety, and general welfare off the lot if the occupation is conducted in a single family residence or outside the dwelling unit if conducted in other than a single family residence.

- H. A home occupation shall comply with all Federal, State, County and Township Zoning Resolution regulations that are pertinent to its operation in addition to those contained in this Section.
- I. In a “RHD” Residential High Density District, the home occupation shall be conducted wholly within habitable rooms of the dwelling.

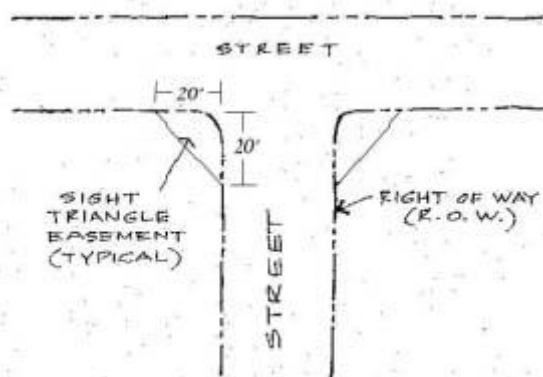
Section 18.15 Landfills, Dumps, Mining and Extraction of Minerals or Raw Materials

The Board of Zoning Appeals may attach such conditions and safeguards as it deems necessary to protect neighboring properties or Districts from fire hazards or smoke, noise, odor, dust or any other detrimental or obnoxious effects incidental to such operation. In addition, the Board of Zoning Appeals shall require a written agreement, approved by the Board of Zoning Appeals, from the owners of such operation to the effect that, upon termination of such operation, the land involved shall be reclaimed to as near its original state as practical in the opinion of the Board. Furthermore, the following shall apply:

- A. No use of facilities or real estate as a sanitary landfill, garbage or waste dump, disposal site, or incinerator shall be allowed unless conditionally permitted by the Board of Zoning Appeals.
- B. Before such permission is granted, proof must be shown that all state, federal and county regulations and rules have been complied with and that approval has been given by the appropriate Boards of Health and the Environmental Protection Agency.
- C. It shall be shown to the satisfaction of the Board of Zoning Appeals that no pollution of the air, ground, or water shall result from said use. The Board of Zoning Appeals shall require the applicant to obtain a permit from the Ohio EPA for the proposed use.
- D. No such use shall be permitted on a tract of land less than 250 acres in size.
- E. The area of operation, within the tract(s) of land, shall be completely surrounded by a chain link fence, 8 feet high and suitably posted as to warn the public of the operation contained therein. Such fence shall be buffered from public view as per the requirements of Article 20, Landscape and Buffering Requirements.
- F. All streets and roadways leading into such use shall be free of dust and mud and adequate to accommodate the traffic which they carry. Roads exiting the facility shall be paved with a durable and dustless surface, adequate for the traffic carried, at least one hundred (100) feet from the public right-of-way to prevent mud and gravel from entering onto the roadway.
- G. No such use shall be within 1,000 feet of any residence, educational institution, hospital, rest home, convalescent care facility, assisted care living facility, religious place of worship, public or private park, or dwelling.
- H. No such operation shall be conducted within one-half mile of any water treatment facility.
- I. A green belt of 100 feet shall be maintained around the perimeter of the site.

Section 18.16 Obstructions to Vision at Street Intersections Prohibited

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way lines of any intersecting street and a railroad or the right-of-way lines of two (2) intersecting streets at points twenty (20) feet from the intersection of such right-of-way lines, there shall be no obstructions to vision between a height of two and one-half (2½) feet and the height of ten (10) feet above the average grade of such street or railroad. This requirement applies to: fences, walls, shrubbery, signs, marquees, and other obstructions to vision. Retaining walls may be exempt from this provision.



Section 18.17 Fences, Walls and Hedges

Fences, walls, and hedges are permitted in all Districts, subject to the following conditions:

A. Exemptions

Agricultural fences shall be exempt from the following regulations but shall comply with the standards and regulations in the Ohio Revised Code for agricultural fencing established in Chapter 971, Fences.

B. Location

1. No fence, wall, or hedge shall be closer to any public street than the right-of-way.
2. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon his/her property.

C. Height

1. Front yard fences, walls or hedges shall not exceed four (4) feet in height in all Residential areas.
2. Side and rear yard fences, walls, and hedges shall not exceed eight (8) feet in height for residential uses.
3. Side and rear yard fences, walls, and hedges shall not exceed eight (8) feet in height for non-residential uses.

D. Materials

1. Fences shall not contain an electric charge.
2. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential areas.
3. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or treated so that they are weather resistant.
4. The finished or most decorative side of the fence shall face away from the property erecting the fence.

E. Maintenance

The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times in the High Density and Medium Density Residential areas only.

F. Certificate Required

Fences and walls shall require a Zoning Certificate.

G. Sight distance requirements

No fence, wall, or hedge shall violate the sight distance requirements found in Section 18.16, Obstruction to Vision at Street Intersections Prohibited, of this Zoning Resolution.

Section 18.18 Open for Future Expansion

Section 18.19 Outdoor Bulk Storage and Display in Commercial and Industrial Districts

The following regulations shall apply to outdoor bulk storage or displays in commercial and industrial districts:

- A.** The outdoor storage or display of bulk goods including seasonal items such as firewood, landscaping materials and mulch shall be controlled by the following regulations:
1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
 2. The outdoor storage of merchandise, inventory or materials shall not be located in any required yard area within the lot nor shall it be visible from the public right-of-way.

3. The outdoor storage or display of merchandise, inventory or materials may include the use of banners, pennants or strings of pennants.
 4. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
 5. All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.
 6. Only a sample of materials, to properly identify the materials for sale on the premises, shall be permitted as part of the outdoor display.
 7. Outdoor storage or display locations shall be approved by the Zoning Department upon the application of the record owner of the property.
- B. Applications for outdoor storage or display areas shall be on a form provided by the Zoning Department and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Department may request the specific review and approval of the Zoning Commission of any application. The review and approval of the Board of Zoning Appeals may also be requested by any applicant whose application has been rejected or modified by the Zoning Department or Zoning Commission, which request must be made in writing and must be made within thirty (30) days of such rejection or modification.

Section 18.20 Sexually Oriented Businesses

A Sexually Oriented Business is a conditional use within the “I” Industrial District. A conditional use for such facilities shall not be approved unless the following minimum conditions are complied with:

A. Minimum location requirements

No sexually oriented business shall be established within one thousand (1,000) feet of:

1. Any Residential District.
2. Any public, private, governmental or commercial library, educational institution, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility or playground.
3. Any PUD containing residential uses.

B. Prohibited public display

No advertisements (other than the permitted signage allotment), displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

C. Public view to be prevented

All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. The building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. External audio and visual impact

No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

In granting any such conditional use, the Board of Zoning Appeals may prescribe additional conditions it deems necessary in the public interest. However, no conditional use shall be approved by the Board of Zoning Appeals unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, or be contrary to the public health, safety and general welfare of the Township.

Section 18.21 Telecommunication Towers and Antennas

The construction, location, erection, reconstruction, alteration, change, use or enlargement of telecommunication towers, upon application and compliance with the Ohio Revised Code Section 519.211 and this Resolution, shall be permitted if the Wayne Township Zoning Board of Appeals finds that the applicant has satisfied all of the following standards:

- A. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a cellular or wireless telecommunication tower in an area zoned for residential use, the public utility shall provide evidence satisfactory to the Township Board of Trustees concerning compliance with the notice provisions of the Ohio Revised Code Section 519.211(B). When constructing the tower in any other zoning district, the applicant must comply with the Ohio Revised Code Section 519.211(E), relating to the requirement that all owners and occupants of residential dwellings within 100 feet of a property line of a proposed tower must be notified in writing, of the intent to construct the tower.
- B. The applicant shall demonstrate by clear and convincing evidence that its tower antenna can not 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.
- C. An application shall be denied unless the applicant demonstrates that technically suitable and feasible sites are not available in a nonresidential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- D. Monopole installations are required. It is required that any building constructed to service a telecommunication tower be of masonry construction. It is further required that the tower itself and any support equipment located on the ground shall be painted or have a finish in earth tones to reduce visual impact unless otherwise required by the FCC or FAA.
- E. The minimum lot size for pole, tower and/or structure placement shall be one (1) acre. Although the minimum lot size is one (1) acre, lot size shall increase in order to meet the minimum setbacks identified in the table below. The maximum tower height shall be one hundred fifty (150) feet.

District	Setback	Minimum Screening
Any	1½ times the height of the tower. A minimum of 75 feet is required.	20 feet from the base of the tower.

- F. For reasons of aesthetics and public safety, such facilities shall be effectively screened on each side. Screening shall consist of a solid masonry wall or solid fence, not less than four (4) feet nor more than six (6) feet in height including a tight screen of hardy evergreen shrubbery or natural or existing screening of not less than four (4) feet in height. The use of razor or barbed wire shall be prohibited. Screening walls and fences shall meet the minimum setback requirement as indicated in Subsection E above. All screening devices and landscape materials shall be maintained in good condition.

- G. The applicant and its successors shall, within thirty (30) days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Wayne Township Zoning Department in writing. Facilities shall be removed from the site within twelve (12) months of ceasing operations. Resale or renting of the facilities is permissible only to other telecommunication systems subject to the obtaining of a Zoning Certificate from the Wayne Township Zoning Department.

Section 18.22 Bed and Breakfast Establishment

Prior to approving a Conditional Use Certificate for a Bed and Breakfast Establishment, the Board of Zoning Appeals shall determine that the applicant has satisfied **all** of the conditions that are listed below:

- A. A Bed and Breakfast shall be located in a single family dwelling operated by family members residing on the premises.
- B. The Bed and Breakfast shall not alter the exterior appearance of the dwelling or cause it to differ from its residential character in any manner.
- C. The Bed and Breakfast shall not involve the exterior storage of a materials or supplies. Storage of general waste and areas of trash collection shall be screened from public view.
- D. There shall be no exterior displays or signs except for one on-site unlighted sign no larger than four (4) square feet stating the name of the Bed and Breakfast.
- E. The Bed and Breakfast shall be limited to maximum of three (3) guest rooms.
- F. Each guest room shall be provided a parking space located behind the front building line of the dwelling.
- G. No guest shall occupy the Bed and Breakfast for more than seven (7) consecutive nights.
- H. The serving of meals shall be strictly limited to meals being served to registered guests only.
- I. Certification by the Township Fire Department that the applicant has complied with all fire protection requirements shall be presented to the Board of Zoning Appeals before the Bed and Breakfast may commence operation.
- L. A Zoning Certificate issued under this Section is revocable and shall be revoked after notice and hearing by the Board of Appeals if any condition of the Certificate has been violated and not remedied.

Section 18.23 Accessory Buildings, Structures and Uses in Residential Districts

Accessory buildings, structures and uses, except roadside stands, school bus shelters for children and temporary buildings which are not part of the main building, shall be built in the side or rear yard, behind the front building line. An accessory building or structure which is not part of the main building shall not occupy more than thirty (30) percent of the required side or rear yard and shall be setback from the rear and side property line as follows:

Lot Size	Minimum Setback from Side and Rear Property Line
Less than one-half (½) acre	Five (5) feet
One-half (½) acre to less than one (1) acre	Ten (10) feet
One (1) acre and larger	Fifteen (15) feet

Section 18.24 Accessory Buildings and Uses in a Commercial or Industrial District

In a Commercial or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use, and which complies to the applicable standards of the District in which it is located, is permitted.

Section 18.25 Height Modifications

- A. Public, semi-public or public service buildings, hospitals, religious places of worship, or educational institutions may be erected to a height not exceeding sixty (60) feet if the building is set back from the property line at least two (2) feet for each foot of building height.
- B. Church spires, domes, flagpoles, aeries, windmills, fire towers, belfries, monuments, tanks (water), watch towers, silos, farm buildings or necessary mechanical appurtenances (HVAC, vents, elevator shafts, etc.) may be erected to any lawful and safe height as established by any Federal, State or local regulations.

Section 18.26 Minimum Floor Area

The minimum usable living floor area of a permanently sited dwelling shall not be less than **eight hundred (800)** square feet.

Section 18.27 Projections

Open structures such as porches, canopies, decks, bay windows, flues, chimneys, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard setbacks.

Section 18.28 Performance Standards

A. Application of Performance Standards

For the protection of the health, safety and general welfare of the community, all uses shall comply with the performance standards established in this Section, unless any Federal, State, County, or Township local ordinance, resolution, law or regulation establishes a more restrictive standard; in which event the more restrictive standard shall apply.

B. Compliance with Performance Standards

When an inquiry by the Zoning Department indicates a possible violation of these performance standards, the Zoning Department shall require the property owner to produce a valid certificate or license from the appropriate enforcement agency or obtain and bear the cost of the qualified technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the property in question. The results of the test or tests shall be presented to the Board of Township Trustees within ninety (90) days, in writing, for further review and consideration.

C. Light and Glare

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be as follows:

1. Lights shall be fully shielded so as to prevent the visibility of the light bulb from adjacent properties. Furthermore, all external lighting shall be so designed and situated so as not to cause glare on adjacent properties.
2. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.
3. Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.
4. Lights shall not be mounted on the top or sides of a canopy or bay.
5. Any lawful lighting fixtures located within the Township at the effective date of this Resolution which does not conform to the provisions of this Section may continue, provided the lighting remains in conformance with the provisions of this Section.
6. Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which

triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

7. Legal nonconforming status shall terminate under the following conditions:
 - a. If a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
 - b. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
 - c. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged beyond repair.

Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.

8. Lighting found by the Township to create a public safety or nuisance can be ordered removed or altered at any time upon a complaint filed by the Township Zoning Inspector. Such complaint will be heard before the Zoning Commission at a regularly scheduled meeting for review and a recommendation to the Township Trustees. The Township Trustees shall make a final determination regarding the complaint at a regularly scheduled meeting.

Section 18.29 Existing Lots of Record

A lot of record which legally existed prior to the adoption of these zoning regulations but which does not meet the minimum lot size for the district it is located may be built on based on the following standards. The standards shall be calculated and applied by the Zoning Administrator.

- A. The side and rear yard setbacks may be reduced by the same proportion that the lot of record is smaller than the minimum required lot size for the district in which the lot is located. For example, if the lot of record is proportionally twenty-five (25) percent smaller than the minimum lot size, the side and rear yard setback requirements may be reduced by twenty-five (25) percent.

Minimum Lot Size – 20,000 square feet.
Existing Lot of Record – 15,000 square feet.
Proportional Difference – 25%.
Required Side Yard – 20 feet.
Modified Side Yard – 15 feet.
Required Rear Yard – 40 feet.
Modified Rear Yard – 30 feet.

- B. If the one or both of the lots on either side of the lot of record are developed, the front yard setback shall not be reduced beyond that of the lots immediately adjacent to the lot of record. If the front yard setbacks are different, the front yard setback may be reduced by averaging the setback of the two adjacent lots. If there are no structures on either adjacent lot, the front yard setback as established in the zoning district shall apply.

- C. In no case shall the rear or side yard setback requirements be modified more than 50% without the approval of a variance from the Board of Zoning Appeals.

Section 18.30 Restoring Unsafe Buildings

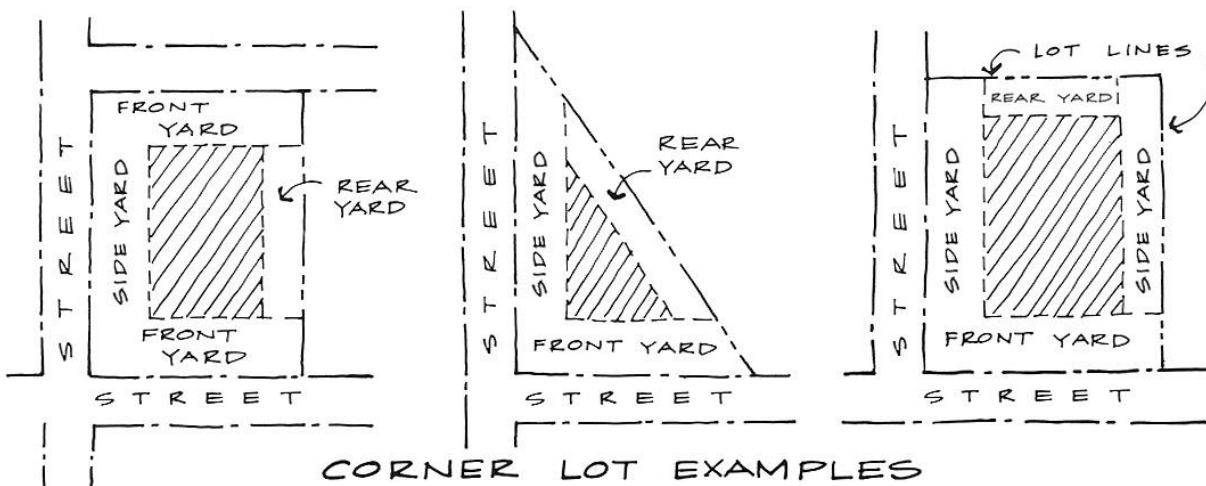
Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building Department or from complying with his/her lawful requirements.

Section 18.31 Uses Not Provided For

Any use not specifically mentioned in this Resolution shall be considered by the Board of Zoning Appeals for compatibility and approved only if the proposed use is found to be compatible with those uses specifically permitted within the zoning district in which the property for the use is located. In no case shall a proposed use which is not compatible or similar to a permitted use in the zoning district in which the subject property is located be approved by the Board of Zoning Appeals.

Section 18.32 Front Yard Requirements for Corner Lots

Corner lots shall meet the front yard setback requirements of the district or districts in which they are located on the street considered the front street. The side yard setback shall be met on the street considered to be the side street.



ARTICLE 19 OFF-STREET PARKING AND LOADING

Section 19.1 Purpose

The purpose of these off-street parking and loading regulations are:

- A. To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the property user(s).
- B. To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility.
- C. To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

Section 19.2 Off-Street Parking, When Required

Permanent off-street automobile storage, parking or standing space shall be provided as established in this Article at the time of erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, or floor area, or before conversion from one use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall not thereafter be reduced or encroached upon in any manner unless written approval is provided by the Zoning Commission.

Off-street parking spaces are not required for uses in any building existing at the time of adoption of this Resolution where no off-street parking had been provided previously unless there is a change in use or an enlargement of the building or structure as identified above.

Section 19.3 Parking Plan Required

A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the Zoning Department as part of the application for the Zoning Certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, lighting plan, boundary walls, fences and a landscaping and screening plan, as appropriate.

Section 19.4 Determination of Required Spaces

In computing the number of parking spaces required by this Resolution, the following shall apply:

- A. Where **floor area** is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross useable horizontal area of all floors of a building.
- B. Where **seating capacity** is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each twenty-four (24) lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.

Parking space requirements for a use not specifically mentioned in this Resolution shall be determined by using the most similar and restrictive parking space requirement as specified by the Zoning Department based on the intended use, the location of the use, and the expected patronage or use by individuals operating motor vehicles.

Section 19.5 Required Off-Street Parking Spaces

The following minimum number of parking spaces shall be provided on the same lot as the use or building they are intended to serve, or may be provided on adjacent lots subject to other provisions of this Section.

Type of Use	Minimum Number of Spaces Required
Residential	
Accessory Apartment	One (1) space.
Assisted Living Care Center	One (1) space for every resident room plus one (1) space for every 400 square feet of gross floor area excluding resident rooms.
Bed and Breakfast Establishment	One (1) space for every guest room plus two (2) spaces for the owner.
ECHO Unit	One (1) space for every resident room plus one (1) space for every 400 square feet of gross floor area excluding resident rooms.

Type of Use	Minimum Number of Spaces Required
Residential Uses (con't)	
Multi-Family Dwelling	
Up to two (2) bedrooms	One and one half (1½) spaces for every dwelling unit.
Three (3) or more bedrooms	Two (2) spaces for every dwelling unit.
Visitor Parking	The Board of Zoning appeals may require additional spaces as necessary.
Nursing Home, Rest Home or Convalescent Care Facility	One (1) space for every two (2) resident rooms plus one (1) space for every 400 square feet of gross floor area excluding resident rooms.
Residential Care Facility	Two (2) spaces for every dwelling unit.
Single Family Detached Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Two Family Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Type of Use	
Public and Semi-Public Uses	
Cemetery	One (1) space for every five (5) seats in the chapel or meeting space area or one or one (1) space for every 200 square feet of indoor assembly space plus one (1) space for every 400 square feet of maintenance facility area.

Type of Use	Minimum Number of Spaces Required
Public and Semi-Public Uses (con't)	
Educational Institution	
Elementary or Junior High School	Two (2) spaces for each classroom or one (1) for every five (5) seats in auditoriums or assembly halls, whichever is greater.
High School	One (1) space for every five (5) students of design capacity plus two (2) spaces for each classroom plus one (1) space for every five (5) seats in any auditorium or assembly hall.
Vocational or Technical School, College, University or Community College	One (1) space for every two (2) students of design capacity.
Hospital	One (1) space for each two (2) beds.
Publicly Owned or Operated Properties and Facilities	One (1) space for each 300 square feet of floor area or one (1) space for each three (3) seats, whichever is greater.
Non-Commercial Parks and Recreation Facility	One (1) space for each participant at maximum utilization or one (1) space for each three (3) seats, whichever is greater.
Outdoor Recreation	One (1) space for each participant at maximum utilization or one (1) space for each three (3) seats, whichever is greater.
Religious Place of Worship	One (1) space for each three (3) seats in the place of assembly.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial)	
Airport, County/General Aviation	One (1) space for every 4 tie down areas plus one space for every 500 square feet of related office space area.
Animal Hospital or Veterinarian Clinic	One (1) space for each examination room plus two (2) spaces for each fifty (50) square feet of reception area.
Automobile, Truck, Trailer and Farm Implement Sales and Repair	One parking space for each 200 square feet of floor area in the main display room, plus one (1) space for each 1,500 square feet of outdoor display area.
Automobile Repair Garage	Four (4) spaces for each service bay or work area plus one (1) space for each 100 square feet of waiting area.
Bar or Taverns	One (1) space for every three (3) seats or one (1) space for each 100 square feet of floor area, whichever is greater.
Building Material Sales and Storage Yard	One (1) space for each 500 square feet of floor area and yard area.
Car Wash	Two (2) spaces for each washing bay plus sufficient stacking space for two (2) vehicles per washing bay.
Club	One (1) space for each 100 square feet of floor area.
Commercial Entertainment	One (1) space for each three (3) seats or one (1) space for each 100 feet of floor area, whichever is greater.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial) (con't)	
Commercial Stable	One (1) space for every two (2) stalls plus one (1) space for every 200 square feet of retail sales floor area.
Gasoline Filling Station	One (1) space for each pump plus two (2) spaces for each service bay or work area. Gasoline filling stations with convenience retail uses shall also provide one (1) space for each one hundred (100) square feet of floor area.
Golf Course	Four (4) spaces for each hole plus one (1) space for every 400 square feet of clubhouse and assembly floor area.
Light Manufacturing	One (1) space for each 500 square feet of floor area, plus one for each motor vehicle used in the business which is parked on the premises
Mixed Uses/Shopping Center	Eighty-Five (85) percent of the sum of the permitted uses.
Nursing Home, Rest Home or Convalescent Care Facility	One (1) space for each resident/patient room plus one (1) space for each vehicle used for the complex which is maintained on the premises.
Office, Business and Professional	One (1) space for each 300 square feet of floor area.
Personal Services	One (1) space for each 200 square feet of floor area.
Personal Storage Facility	One (1) space for every five (5) rental storage units.
Professional Services	One (1) space for each 200 square feet of floor area.

Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial) (con't)	
Research and Development Facility	One (1) space for each 300 square feet of floor area.
Restaurant	One (1) space for each 100 square feet of floor area.
Restaurant, Fast Food	One (1) space for each 50 square feet of floor area.
Retail Business	One (1) space for each 250 square feet of floor area.
Sexually Oriented Business	One (1) space for every 50 square feet of floor area.
Trucking, Express, Transfer or Hauling Terminal	One space for every 1,000 square feet of floor area.
Warehouse	One (1) space for each 800 square feet of floor area.
Wholesale Sales	One (1) space for each 500 square feet of floor area.

Section 19.6 Space Requirements For Uses Not Specifically Mentioned

The requirement for off-street parking spaces not specifically mentioned in Section 19.5 above shall be in accordance with the most similar use in that list as identified by the Zoning Department.

Section 19.7 Maximum Number of Parking Spaces Permitted

In order to prevent excessive lot coverage and surface water run-off, no minimum off-street parking space requirement in Section 19.5 shall be exceeded by fifteen (15) percent unless good cause can be shown and approved by the Board of Zoning Appeals. Single Family Dwellings, Two Family Dwellings and Accessory Apartments are exempt from this provision.

Section 19.8 Off-Street Parking Design Requirements

A. Size of Parking Stalls

Size of Parking Stalls				
	45 Degrees	60 Degrees	90 Degrees	Parallel
A. Width of Parking Spaces	14'-0"	11'-0"	10'-0"	9'-0"
B. Length of Parking Spaces	21'-6"	22'-0"	20'-0"	19'-0"
C. Width of Driveway Aisle	13'-0"	17'-6"	25'-0"	12'-0"

B. Handicapped Parking Spaces

Handicapped parking spaces shall be in conformance with the Ohio Basic Building Code and the Ohio Revised Code, Section 3781.11.1.

C. Striping

All non-residential parking areas with a capacity of over five (5) vehicles shall be striped between stalls to clearly identify each parking space.

D. Wheel blocks

Whenever a parking lot extends to a property line or landscaped area, wheel blocks or other suitable devices, shall be installed to prevent any part of a parked vehicle from extending beyond the property line or into any required landscaping or screening.

E. Paving

All parking spaces, together with driveways, aisles, and other circulation areas shall be surfaced with asphalt, bituminous concrete or equivalent pavement material to provide a durable, dustless surface. A gravel lot is permissible if all driveway aprons and access points to the lot are constructed of concrete or asphalt and are at least ten (10) feet in length as measured from the street curb cut.

F. Drainage

All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. For any off-street parking area of more than five (5) vehicles, plans for drainage shall be submitted to the Zoning Department for approval prior to the commencement of construction.

G. Access Requirements

Any off-street parking area accessed from a public right-of-way shall be designed in such a manner that any vehicle leaving or entering the parking area shall be traveling in a forward motion. Access driveways for parking areas shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public or private street. The entrance and exits to the parking area shall be clearly marked.

H. Lighting

Any parking area for ten (10) or more vehicles, which is intended to be used during non-daylight hours, shall be illuminated. Lighting fixtures shall be as follows:

1. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
2. All lighting fixtures serving parking lots shall be of full cutoff fixtures. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.
3. Light poles used in lots designed to contain fifty (50) vehicles or less shall not exceed twenty (20) feet in height.

I. Screening and Landscaping

1. Screening

Whenever a parking area for ten (10) or more vehicles is located in, or adjacent to a Residential District, it shall be effectively screened on all sides which adjoin or face the Residential District. Screening shall be as follows:

- a. Screening shall be by a wall, fence, or planting screen as approved by the Zoning Commission.
- b. All parking areas shall be setback from property lines as follows:
 1. Parking areas shall be separated from rights-of-way for streets by a strip of land which shall be at least twenty (20) feet in depth. Such strip shall be reserved as open space, landscaped, and incorporate certain screening as required.
 2. All parking areas shall be set back a minimum of ten (10) feet from any side or rear lot line unless a greater setback is required by the Township. Such strip shall be reserved as open space and landscaped.
- c. Such fence, wall, or planting shall not be less than three (3) feet nor more than five (5) feet in height for off-street parking areas. Such fence, wall or planting shall be maintained in good condition. This requirement shall not be applicable to that

portion of any off-street parking area which faces any public right-of-way.

- d. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover, maintained in good condition.
- e. The finished face of the fence or wall shall face the adjoining property.
- f. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then the Zoning Commission may allow an exception, so that no such fence, wall, or planting screen and landscaping shall be required.

J. Maintenance

The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

Section 19.9 Joint Use of Off-Street Parking Facilities

If the parking spaces required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Commission may permit such space to be provided on other off-street property provided such space is located within 400 feet of the main entrance of such principal use. Such vehicle parking space shall be deemed to be associated with the permitted use and shall not thereafter be reduced or encroached on in any manner.

Section 19.10 Use of Off-Street Parking Facilities

- A. No commercial motor vehicle exceeding two (2) tons in rated capacity and owned by a person who is not a lawful resident of the property on which the vehicle is parked may be parked in an open area that is visible from the nearest thoroughfare in any Residential District for longer than seventy-two (72) consecutive hours.
- B. No abandoned, unlicensed, wrecked, dismantled, or totally disabled automobiles, trucks, trailers, aircraft or discarded furniture, appliances or other junk materials shall be permitted to remain out of doors in an off-street parking facility for a period of more than thirty (30) days.

Section 19.11 Off-Street Loading Requirements

Every building or structure erected and occupied for retail, industrial or other uses involving the receipt or distribution of materials or merchandise by vehicle shall provide a permanently maintained space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or required parking areas. Such off-street loading areas shall comply with the following standards:

A. Design Standards

1. Screening

Off-street loading spaces that adjoin or are across a street from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall or such other screening materials.

2. Entrances and Exits

Off-street loading spaces shall be provided with entrances and exits not less than thirty (30) feet in width and so located as to minimize traffic congestion on and off site.

3. Dimensions

Each off-street loading space shall be not less than twelve (12) feet in width, sixty (60) feet in length and fifteen (15) feet in height with adequate access to each space.

4. Projection into Yards

Off-street loading space may occupy all or any part of any required side or rear yard space.

5. Surfacing

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi). A gravel loading space is permissible if all driveway aprons and access points to the loading space are constructed of concrete or asphalt and are at least twenty (20) feet in length as measured from the street curb cut.

6. Drainage

All loading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. Plans for drainage shall be submitted to the Zoning Department for approval prior to the commencement of construction.

7. Lighting

Lighting fixtures for off-street loading spaces shall be as follows:

- a. Any lights used to illuminate an off-street loading area shall be so arranged as to reflect the light away from the adjoining property.
- b. All lighting fixtures serving off-street loading areas shall be of full cutoff fixtures. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.
- c. All lighting shall comply with all other applicable standards of this Zoning Resolution.

B. Amount of Loading Space Required

The minimum amounts of off-street loading space shall be provided to prevent the obstruction of parking and circulation areas on site. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

ARTICLE 20 BUFFERYARD AND LANDSCAPE REQUIREMENTS

Section 20.1 Purpose

The purpose of this Article is to provide minimum standards involving the development of land to:

- A. Provide attractive views from roads and adjacent properties;
- B. Screen from view visually undesirable uses;
- C. Require screening between incompatible land uses;
- D. Protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

Section 20.2 Applicability

This Section shall apply to new property development and any collective substantial expansion of existing structures, **except** for individual single family dwellings, two family dwellings (duplexes) and parking lots of ten (10) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

Substantial Expansion for Bufferyards and Landscape Requirements

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	100% or Greater
1,001 - 10,000 Sq. Ft.	50% or Greater
10,001 - 25,000 Sq. Ft.	40% or Greater
25,001 - 50,000 Sq. Ft.	30% or Greater
50,001 Sq. Ft. and larger	20% or Greater

Section 20.3 General Requirement for Submission

Any property to which this Article applies shall submit a Bufferyard/Landscaping Plan to the Zoning Department as part of the Zoning Certificate process required in this Resolution. Bufferyard/Landscaping Plans shall be prepared by a nursery or by a design professional practicing within their areas of competence. The Bufferyard Plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements and shall include the following minimum information:
 - 1. North arrow and scale.
 - 2. The name of applicant/owner.
 - 3. The name, address and phone number of the person or firm responsible for the preparation of the Bufferyard/Landscape Plans.
 - 4. The dates the plans are submitted or revised.

5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. All property lines and easements.
 9. Any other information which is deemed appropriate by the Zoning Department.
- B. Typical details shall be shown for the planting of the types of trees, shrubs and ground cover within the bufferyard or landscaped area.

Section 20.4 Approval

- A. No site or development plan required under this Zoning Resolution shall receive final approval unless a Bufferyard/Landscaping Plan has been submitted and approved when required by this Article.
- B. No final approval of the Zoning Certificate of compliance shall be granted unless the following criteria are fully satisfied with regard to the approved Bufferyard/Landscape Plan:
1. Such plan has been fully implemented on the site; or
 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Township.
- C. The Zoning Department may request the review and approval of the Zoning Commission at any time.

Section 20.5 Screening, Landscaping and Bufferyard Standards

- A. Maintenance of Screened, Bufferyard and Landscaped Areas

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times and shall remove all noxious, invasive, or poison type plants. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Zoning Department to: find the owner of the property in violation of the conditions of the Zoning Certificate; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this Resolution.

B. Screening and Bufferyard Establishment

Once a screened area or bufferyard has been approved by the Zoning Department and established by the owner, it may not be used, disturbed or altered in anyway that would decrease its landscape or bufferyard effectiveness for any purpose.

C. Screening and Bufferyard Requirement

In order to provide protective screening and buffers for residentially zoned areas that are adjacent to nonresidential areas, the Zoning Department may require a wall, fence or greenbelt to be provided by any newly developed or substantially expanded nonresidential property if the nonresidential property is not sufficiently screened.

Buffers and Screening shall be in accordance with the following:

1. Screening areas and bufferyards shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screen and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required by the Zoning Department, provided that provision is made for maintenance of such areas.
3. The Zoning Department may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions found on the subject property.

4. Bufferyard Standards

Bufferyard Standards		
WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any commercial or office land use	Any C, AR, E, RLD, RMD or RHD District	<p>A. If proposed; a wall or fence should be three to seven feet in height and placed near the nonresidential property line. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area.</p> <p>or</p> <p>B. If proposed; a greenbelt strip along the property line should be of at least ten (10) feet in width. Such greenbelt shall be planted and maintained with evergreens such as spruce, pine or firs at least five (5) feet in height or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective and permanent visual buffer. The portion of the landscaped area not covered by plantings shall be kept in a neat and orderly appearance.</p>
Any industrial land use	Any C, AR, E, RLD, RMD, RHD, NB or GB District	
Any multi-family land use	Any C, AR, E, RLD or RMD District	
Any institutional land use (including assisted living facilities, educational institutions and religious places of worship)	Any C, AR, E, RLD, RMD or RHD District	

a. Walls and Fences

When walls or fences are used to fulfill screening or noise reduction requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Sound walls require the use of poly concrete materials. Chain link fences with or without wooded or synthetic slat material shall not be permitted when used to satisfy bufferyard and landscaping requirements. All materials must be submitted by the Zoning Commission for approval.

b. Plants

All plants are to be healthy upon planting. Plant materials used in conformance with the provision of this Section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. Trees and plant materials shall be species

indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers.

1. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least two and one half (2½) inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Article must be used to create a dense buffer.

2. Evergreen Trees

Evergreen trees shall be a minimum of six (6) feet in height at the time of planting when used for screening purposes when adjacent to a *developed* Residential District and three (3) feet in height at the time of planting when adjacent to an undeveloped Residential District. Evergreen plantings used for screening shall be planted so as to provide an effective, dense screen upon the time of planting. The height at installation of the planting shall be measured from the level of the surface of the evergreen base.

3. Shrubs and Hedges

Shrubs and hedges shall be at least forty-eight (48) inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

4. Grass or Ground Cover

Grass shall be appropriate for the soil type. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Clermont Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one (1) foot on center to provide seventy-five (75) percent complete coverage after two growing seasons.

5. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. A difference in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Department to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earth forms shall be designed with physical variations in height and alignment throughout their length.
- c. Landscape plant material installed on berms and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- d. The Landscape Plan shall show sufficient detail, including a plan and profile of the berm or earth form, soil types and construction techniques to demonstrate compliance with the above provisions.
- e. Berms and earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- f. For adequate sight distance for points of ingress and egress, no part of any berm or earth form which is elevated more than eighteen (18) inches above natural grade shall be located within twenty (20) feet of any right-of-way or property line.
- g. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

Section 20.6 Screening and Landscaping for Off-Street Parking Areas

Screening and Landscaping for off-street parking areas shall be as established in Article 19, Off-Street Parking and Loading.

Section 20.7 Screening for Service Structures

Service structures shall include but not be limited to: loading docks, propane tanks, and dumpsters, electrical transformers, above ground utility vaults and other equipment or elements providing service to a building or a site. The screening height shall be based upon the tallest of the structures but in no case shall the screening be required to exceed eight (8) feet in height.

A. Location of screening

A continuous planting of evergreen, fence or wall of earth must enclose any service structure on all sides, unless such structure must be frequently moved or accessed. In such cases, screening may not be required on the side of the service structure where service is occurring. A fully closable gate shall effectively screen the service structure at the point of service or access.

B. Curbs to protect screening material

Whenever screening material is placed around any dumpster, trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

Section 20.8 Easements, Right-of-Way, and Setbacks

Required screening, bufferyards and landscaping may be placed wholly or partially in utility or other easements providing all requirements of this Article can be fulfilled and approval is granted by the holder of the easements.

In no case, however, shall screening, bufferyards or landscaping be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least six (6) feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a street intersection, the sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements.

Section 20.9 Modifications

The Board of Zoning Appeals shall have the authority to modify or waive any of the aforementioned requirements in this Article in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible screen or buffer with the surrounding property or neighborhood at the time of application.

This Page Intentionally Left Blank

**ARTICLE 21
NON-CONFORMING USES, BUILDINGS AND STRUCTURES**

Section 21.1 Existing Non Conforming Structures and Uses

The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such building, structure or use does not conform to the provisions of this Resolution or amendment. Furthermore, whenever the use of any dwelling, building or structure and of any land or premises becomes non-conforming through an amendment of this Resolution or map, such use may be continued if no structural alterations are made unless considered as an exception elsewhere in this Article.

Section 21.2 Discontinuance of Non Conforming Structures and Uses

In the event that a non-conforming use of any dwelling, building or structure and of any land use or premises is voluntarily discontinued for a period of two (2) years or more, any future use thereof shall be in conformity with the provisions of this Resolution.

Section 21.3 Substitution of Non Conforming Uses

The substitution for a non-conforming use existing at the time of enactment of this Resolution for another non-conforming use may be permitted by the Board of Zoning Appeals if no structural alterations, except those required by law or Resolution, are made. Such substitution shall be of equal or less in land use intensity and non conformity.

Section 21.4 Enlargement, Extension and Alteration of Non Conforming Structures and Uses

The moving, reconstruction, extension, enlargement, or alteration of non-conforming buildings or structures shall be as follows:

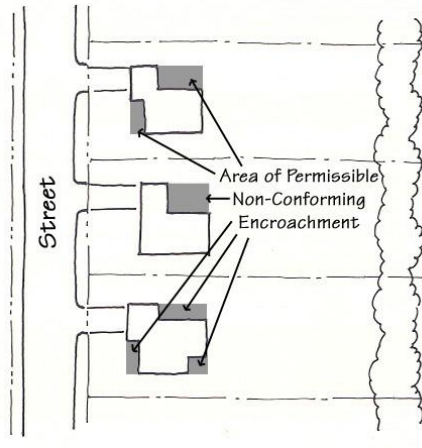
- A. Alterations. Alterations within the building footprint are permitted if the alteration conforms to off-street parking, loading, landscaping and maneuvering standards of this Zoning Resolution.

For the purposes of this Article, "alteration" shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

- B. Enlargement. The enlargement of non-conforming structures is permissible in the front, side and rear yards if:

1. Such enlargement does not encroach into a required yard setback and if such enlargement does not further encroach closer to a lot line than the existing non conforming structure.
2. The enlargement of the structure shall not exceed the height of the existing structure and shall conform with off-street parking, loading, landscaping and maneuvering standards of this Resolution.

3. No enlargement shall cause additional non-conformities with respect to other lot development standards in the District the lot is located.
4. The total of all enlargements of a non-conforming structure or building shall not exceed one hundred (100) percent of the gross floor area of the non-conforming structure prior to enlargement.
5. If the enlargement of a non conforming structure is proposed to encroach into a required yard, a variance is required by the Board of Zoning Appeals.



6. Any expansion of a non conforming use shall be within a fully enclosed building or structure.
- C. Reconstruction. In the event that any non-conforming building or structure is involuntarily destroyed, the building or structure may be reconstructed on the existing footprint or building pad. In the event that any non-conforming building or structure is voluntarily destroyed or dismantled, to the extent of more than fifty (50) percent of the fair market value of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Zoning Resolution. When a non-conforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:
1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and the rebuilding shall be diligently pursued to completion;
 2. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such damage or destruction;
 3. Any lawfully existing non conforming single or multi-family dwelling, in the event of damage or destruction, including loss up to one hundred (100) percent of the structure, may be reconstructed substantially to the same size, density, dimension and setback as existed before the loss. Reconstruction must commence within two (2) years of the loss, and be completed no later than four (4) years after the loss. If reconstruction is

not commenced or completed within this time frame, current zoning regulations will then apply.

- D. Equipment. Any equipment, motor vehicle or machinery that is considered by the Township to be part of the non-conforming use, building or structure may not be increased in number unless a variance is requested and obtained through the Board of Zoning Appeals. Replacement equipment, in equal number and type, shall be permitted if the equipment, motor vehicle or machinery being replaced has been moved permanently off site upon delivery of the replacement equipment. Replacement shall not require a variance process.

A one time expansion of equipment, motor vehicles or machinery that is considered by the Township to be part of the non-conforming use, building or structure may be granted a one time 100% expansion. Such expansion shall not require a variance, but the Township Zoning Inspector shall be notified of such one time expansion in order to document the date of request. Failure to notify the Township Zoning Inspector prior to such expansion may result in the violation of this Zoning Resolution.

Section 21.5 Non Conforming Nuisances

Any use undertaken subsequent to the effective date of this amendment, or any prior use changed, altered, increased, expanded, or extended subsequent to the effective date of this amendment, which becomes non conforming by reason of more stringent Federal, State, County or Township regulations becoming current, shall not be considered in violation until one (1) year after the effective date of such regulations. Where the effectiveness of more stringent regulation causes an existing use to become non conforming, and owing to special circumstances, meeting the requirements of the regulation would result in undue hardship, the Board of Zoning Appeals may grant a variance upon appeal. Such variance may be permitted only where evidence of reasonable diligence in meeting the requirements of the regulation is presented by the appellant, and shall be specifically limited to those levels of nuisance and/or hazard existing at the time the use becomes non conforming.

This Page Intentionally Left Blank

**ARTICLE 22
OPEN FOR FUTURE EXPANSION**

This Page Intentionally Left Blank

ARTICLE 23
SIGNS

Section 23.1 Purpose

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Township; to maintain and enhance the Township's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the Township, and as such are detrimental to the public health, safety and general welfare of the Township.
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.
- C. The provisions and restrictions adopted herein for regulation of outdoor signage and related lighting are intended to:
 - 1. Promote and protect public health, safety and welfare by regulating existing and proposed outdoor signage and associated illumination in a manner that will provide for the minimal amount demonstrated absolutely necessary for identification, informational and directional purposes in order to sufficiently serve the public and private concerns.
 - 2. Protect property values from detrimental visual impacts that could otherwise result from an over proliferation of unrestricted signage.
 - 3. Create an attractive and effective business environment by providing design specifications and restrictions as to the types, sizes and locations of outdoor signage permitted, inclusive of lighting and landscaping, as applicable.
 - 4. Enhance and protect the developed appearance of Wayne Township, by causing signage to be well organized, helpful and informative in directing the viewing public and identifying signage dependant uses, without being visually distractive, overwhelming and unsafe in doing so.
 - 5. Preserve and promote the scenic beauty of natural and developing areas in Wayne Township by preventing or restricting the size, type, number and location of signage and lighting devices in and around them.
 - 6. Minimize signage and related lighting in an effort to prevent visual distractions and sight obstructions, which would otherwise pose an accident hazard to viewing pedestrians and/or motorists.

7. Reduce hazards which might otherwise be caused by signs hanging over, projecting into or abutting public right of ways and/or erected in a structurally overwhelming or visually instructive or obstructive manner there around.

Section 23.2 General Provisions

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific Zoning District:

- A. No freestanding, ground mounted or projecting sign shall be closer than ten (10) feet from the public right-of-way except as may be expressly permitted in this Article.

All setbacks shall be measured from the existing right-of-way except when property is being dedicated to the Federal, State, County or Township government or if the right-of-way is unknown or cannot be determined, then the setback shall be established from the right-of-way line as shown on the Official Thoroughfare Plan for Clermont County and shall meet the side and rear yard requirements for the District in which they are located unless otherwise specified in this Article.
- B. No sign shall be erected unless it is in compliance with the regulations of this Article.
- C. No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the Township or other governmental agency for the regulation of traffic or parking.
- D. No sign, with the exception of a sign designed for changeable copy, shall have animation, moving parts, flashing lights or changing colors.
- E. Signs may be illuminated by either external or internal sources of light. However, no illuminated sign shall be permitted, any part of which flashes on or off or displays changing degrees of intensity. This regulation applies to signs located outside buildings and to window signs inside buildings which are meant to be seen from the outside.
- F. No sign, with the exception of governmental signs, shall be placed in the existing public right-of-way.
- G. No illuminated sign shall be placed or directed so as to permit a direct line of sight of an exposed light source upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or that negatively affects the private property rights of adjacent properties because of such glare or light.
- H. All freestanding signs shall be designed to withstand eighty (80) mile per hour winds.

Section 23.3 Signs Requiring Certificates

Any sign erected, painted, posted or placed in any District within the Township may not be erected without a Zoning Certificate from the Zoning Department in conformance with this Article, except those signs identified as exempt from such Certificate in Section 23.4. Sign structure, size, height, setback, location and number shall be determined by the requirements set forth in the regulations for each Zoning District.

A Zoning Certificate **shall** be required based on the following conditions:

- A. No person shall locate or display any sign unless all provisions of this Zoning Resolution have been met. A Zoning Certificate shall be required for each sign unless specifically exempted in the Article.
- B. A sign for which a Zoning Certificate has been issued shall not be modified, relocated, altered or replaced unless an amended or new Zoning Certificate is obtained from the Zoning Department.

Section 23.4 Signs Not Requiring a Certificate

The following signs do not require a Certificate but may be subject to the provisions of this Article:

- A. Governmental signs and signs erected by the government for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.
- B. Flags of reasonable customary size and color, emblems and insignia of any governmental agency, corporation, business, or political subdivision and temporary displays of a patriotic, religious, charitable or civic character.
- C. Commemorative plaques placed by recognized historical agencies.
- D. Interior signs that can be viewed only by persons within such use.
- E. Non-commercial signs displaying messages, including but not limited to: directional signs, house numbers, real estate signs, construction signs, political signs, “now hiring”, “help wanted”, garage and yard sale signs. Such signs shall not be located within the public right-of-way and are subject to the provisions of each specific Zoning District as indicated in this Article.
- F. Professional name plates not exceeding four (4) square feet in area.
- G. Window Signs.
- H. Signs required by a court of competent jurisdiction in Wayne Township.

Section 23.5 Prohibited Signs

The following signs are prohibited in the Township:

- A. No signs, with the exception of property restriction signs (e.g. No Trespassing, No Hunting, Keep Out, Private Property, No Soliciting), shall be attached or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way.

- B. No sign shall have spinning devices or strings of spinning devices or similar type devices.
- C. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure shall be prohibited unless otherwise specified.
- D. No projecting sign shall extend above the wall or parapet of a building to which it is affixed.
- E. All blinking, flashing, or intermittent lighting is prohibited.

Section 23.6 Measurement Standards

The following standards shall be used to determine the area and height measurements for all signs in the Township:

- A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.
- B. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
- C. In the case of irregularly shaped three dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross Section.
- D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction can not be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.

Section 23.7 Signs Permitted in Agricultural and Residential Districts

- A. The following signs are permitted in all agricultural and residential Zoning Districts and **shall not** require a Zoning Certificate:
 - 1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection not exceeding two (2) square feet in area.
 - 2. Traffic or other signs erected and maintained by the Township or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.
 - 3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT.) not exceeding four (4) square feet in area.
 - 4. Official Federal, State, County or Township flags, emblems and historical markers.
 - 5. Holiday or special event decorations.

6. Real estate signs.
 - a. Such sign shall not be illuminated. Signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.
 - b. The maximum height shall be four (4) feet.
 - c. The maximum area shall be eight (8) square feet for residential property and thirty-two (32) square feet for agricultural property.
 - d. Freestanding real estate signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right-of-way than five (5) feet.
7. Construction signs.
 - a. One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.
 - b. The maximum height shall be eight (8) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
 - d. Freestanding construction signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right-of-way than fifteen (15) feet.
 - e. Such sign shall be removed upon completion of work.
8. Political signs.
 - a. There shall be no limit to the number of political signs on one property.
 - b. If related to an election or ballot issue, political signs shall be erected no earlier than sixty (60) days prior to an election and removed seven (7) days after the date of election or issue.
 - c. The maximum height shall be six (6) feet.
 - d. The maximum area shall be thirty-two (32) square feet.
9. Home occupation signs.
 - a. One (1) non-illuminated wall mounted sign shall be permitted which indicates a home occupation in an RHD District. One (1) non-illuminated freestanding sign indicating a home occupation shall be permitted in all other residential districts.
 - b. The maximum area shall be two (2) square feet for wall mounted signs in the RHD District and four (4) square feet for freestanding signs in all other residential districts.

10. Garage, yard sale, estate and auction signs.
 - a. One (1) non-illuminated sign may be erected seven (7) days prior to the scheduled event and shall be removed one (1) day after the conclusion of the event.
 - b. The maximum area shall be four (4) square feet.
 11. Signs identifying seed or crops on agricultural property shall be limited to two (2) square feet per sign.
- B. The following signs are permitted in all Agricultural, Commercial Business, Industrial and Residential Districts and **shall** require a Zoning Certificate:
1. Subdivision signs.
 - a. One (1) freestanding or wall sign shall be permitted per dedicated street entrance.
 - b. The maximum height shall be five (5) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
 2. Institutional signs.
 - a. One (1) freestanding or wall sign shall be permitted.
 - b. The maximum height shall be five (5) feet.
 - c. The maximum area shall be thirty-two (32) square feet.

Section 23.8 Signs Permitted in the Commercial Business Districts

- A. The following signs are permitted in the Commercial Business District and **shall not** require a Zoning Certificate:
1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection limited to two (2) square feet in area.
 2. Traffic or other signs erected and maintained by the Township or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.
 3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT.).
 - a. The maximum area shall be two (2) square feet.
 - b. The maximum height shall be three (3) feet.
 4. Official Federal, State, County or Township flags, emblems and historical markers.
 5. Holiday or special event decorations.

6. Real estate signs.
 - a. Such signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.
 - b. The maximum height shall be six (6) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
7. Construction signs.
 - a. One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.
 - b. The maximum height shall be eight (8) feet.
 - c. The maximum area shall be sixty-four (64) square feet.
 - d. Such sign shall be removed upon completion of work.
8. Political signs.
 - a. There shall be no limit to the number of political signs on one property.
 - b. If related to an election or ballot issue, political signs shall be erected no earlier than sixty (60) days prior to an election and removed seven (7) days after the date of election or issue.
 - c. The maximum height shall be six (6) feet.
 - d. The maximum area shall be thirty-two (32) square feet.
9. Window signs.

Window signs located inside or behind a window shall be permitted, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use. No window shall advertise products or services not provided or for sale on the premises. Window signs and advertising not-for-profit and civic functions shall be permitted.

B. The following signs are permitted in the Commercial Business Districts and **shall** require a Zoning Certificate:

1. Business and Institutional signs.
 - a. Each occupant is permitted a total of two (2) signs in any combination listed below:
 1. One (1) freestanding or ground mounted sign and one (1) wall sign; or
 2. One (1) freestanding or ground mounted sign and one (1) projecting sign; or

3. One (1) freestanding or ground mounted sign and one (1) marquee sign; or
 4. One (1) freestanding or ground mounted sign and one (1) awning sign; or
 5. One (1) freestanding or ground mounted sign and one (1) painted wall sign.
 - b. Freestanding or ground mounted sign.
 1. The maximum height for a freestanding sign shall be thirty (30) feet with a maximum area of sixty (60) square feet.
 2. The maximum height for a ground mounted sign shall be six (6) feet with a maximum area of eighty (80) square feet.
 - c. Wall, awning, marquee and projecting signs.
 1. Wall sign square footage shall be computed by permitting up to one and one-half (1½) a square foot of sign area for each linear foot of building frontage with a maximum sign face area of one hundred (100) square feet in the “GB” General Business District and fifty (50) square feet in the “NB” Neighborhood Business District.
 2. The maximum height for a wall, awning, marquee and projecting sign shall be no higher than the wall on which it is erected.
 3. Wall signs shall be located on the building or structure to which it is an accessory use and shall not project more than eighteen (18) inches from the building wall.
2. Temporary Signs.
 - a. Temporary commercial signs including streamers, pennants and balloons, shall be placed for the purpose of advertising or calling attention to special business promotions.
 - b. Temporary commercial signs shall not be illuminated.
 - c. Temporary signs not exceeding fifty (50) square feet in area used for commercial or special events shall be permitted for a total of thirty (30) days. A period of sixty (60) days must lapse before another Certificate is issued for the same business or institution.
 - d. Aerial signs or signs designed to be moved on trailer wheels, skids or similar devices may be permitted as a temporary commercial sign.

- e. The area, height and number of temporary commercial signs shall be reviewed by the Zoning Department and shall be determined by the requirements set forth in the regulations for each Zoning District as indicated in this Article.

Section 23.9 Signs Permitted in the Industrial District

- A. The following signs are permitted in the “I” Industrial District and **shall not** require a Zoning Certificate:
 - 1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection not exceeding two (2) square feet in area.
 - 2. Traffic or other signs erected and maintained by the Township or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.
 - 3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT.).
 - a. The maximum area shall be four (4) square feet.
 - b. The maximum height shall be four (4) feet.
 - 4. Official Federal, State, County or Township flags, emblems and historical markers.
 - 5. Holiday or special event decorations.
 - 6. Real estate signs.
 - a. Such signs shall be removed within three (3) days of the closing of sale on the property or at the end of the realtor’s contract.
 - b. The maximum height shall be eight (8) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
 - d. Freestanding real estate signs shall be located on the same lot to which it is an accessory use and shall be located no closer than five (5) feet from the right-of-way.
 - 7. Construction signs.
 - a. One (1) non-illuminated sign identifying all parties engaged in the construction on the property shall be permitted.
 - b. The maximum height shall be eight (8) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
 - d. Such sign shall be removed upon completion of work.

8. Political signs.
 - a. There shall be no limit to the number of political signs on one property.
 - b. If related to an election or ballot issue, political signs shall be erected no earlier than sixty (60) days prior to an election and removed seven (7) days after the date of election or issue.
 - c. The maximum height shall be six (6) feet.
 - d. The maximum area shall be thirty-two (32) square feet.

9. Window signs.

Window signs located inside or behind a window, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use. No window shall advertise products or services not provided or for sale on the premises. Window signs and advertising not-for-profit and civic functions shall be permitted.

B. The following signs are permitted in the Industrial District and **shall** require a Zoning Certificate:

1. Business and Industrial signs.

- a. One (1) ground mounted sign and one (1) wall sign shall be permitted.
- b. The maximum height for a ground mounted sign shall be six (6) feet with a maximum area of sixty (60) square feet.
- c. The maximum height for wall signs shall be no higher than the wall on which it is erected with a maximum area of one hundred (100) square feet. Wall sign square footage shall be computed by permitting up to one (1) square foot of sign area for each linear foot of building frontage.
- d. Wall signs shall be located on the building or structure to which it is an accessory use and shall not project more than eighteen (18) inches from the building wall.

2. Temporary Signs.

- a. Temporary commercial signs including streamers, pennants and balloons, shall be placed for the purpose of advertising or calling attention to special business promotions.
- b. Temporary commercial signs shall not be illuminated.
- c. Temporary signs not exceeding fifty (50) square feet in area used for commercial or special events shall be permitted for a total of thirty (30) days. A period of sixty (60) days must lapse before another Certificate is issued for the same business or institution.

- d. Aerial signs or signs designed to be moved on trailer wheels, skids or similar devices may be permitted as a temporary commercial sign.
- e. The area, height and number of temporary commercial signs shall be reviewed by the Zoning Department and shall be determined by the requirements set forth in the regulations for each Zoning District as indicated in this Article.

Section 23.10 Outdoor Advertising Signs

Outdoor advertising signs (e.g. Billboards) shall be as regulated by Section 519.20 of the Ohio Revised Code.

Section 23.11 Nonconforming Signs

Notwithstanding any provision of this Article to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of these regulations when erected. All signs which are in existence on the effective date of these regulations, that do not conform to the standards of this Article shall be considered nonconforming signs and shall be subject to the following provisions:

- A. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.
- B. No nonconforming sign shall be allowed to remain after the use of land or building which has ceased by discontinuance or abandonment to which the sign relates.

Section 23.12 Maintenance and Removal of Signs

Maintenance and removal of signs shall be as follows:

- A. All signs and sign structures shall be kept in repair and in a proper state of preservation.
- B. Signs which are no longer functional, are abandoned or have been damaged to more than fifty (50) percent of its replacement value, shall be removed or relocated in compliance with the provisions of this Resolution, within sixty (60) days following such malfunction or abandonment.
- C. Illuminated signage that is not fully functioning as designed shall be turned off until the sign is illuminated to a fully functional state.

This Page Intentionally Left Blank

ARTICLE 24
OPEN FOR FUTURE EXPANSION

This Page Intentionally Left Blank

ARTICLE 25
ADMINISTRATION AND ENFORCEMENT

Section 25.1 Purpose

This Article sets both the powers and duties of the Zoning Department, Zoning Commission, the Board of Zoning Appeals and the Zoning Department with respect to the administration of the provisions of this Resolution.

Section 25.2 Responsibilities of the Zoning Department

The Zoning Department, as established by Section 519.16 of the Ohio Revised Code, shall have the following responsibilities and powers:

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for Zoning Certificates and Certificates of Occupancy.
- C. Issue Zoning Certificates and Certificates of Occupancy as provided by this Resolution, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Resolution.
- E. Make determinations as to whether violations of this Resolution exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Resolution.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Resolution.
- G. Maintain permanent and current records required by this Resolution, including but not limited to the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and Conditional Uses. These records shall be made available for use of the Board of Township Trustees, Zoning Commission, the Township Board of Zoning Appeals and to the public.
- H. Determine the existence of any violations of this Resolution and enforce this Resolution.
- I. Revoke a Zoning Certificate or approval issued contrary to this Resolution or based on a false statement or misrepresentation on the application.
- J. Document non-conforming uses and buildings and validate such uses on an annual basis.
- K. Such other duties as specified from time to time by the Board of Township Trustees.
- L. To erect public notification signs on private property in the case of requests for: a zone change, variance, appeal or conditional use.

Section 25.3 Township Zoning Commission

The Wayne Township Zoning Commission is established in accordance with Section 519.04 of the Ohio Revised Code and as follows:

A. Appointment

The Commission shall be composed of five (5) members and one (1) alternate who reside in the unincorporated area of the Township, to be appointed by the Board of Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The alternate shall take the place of an active Zoning Commission member upon absence and shall retain the full responsibilities as the other members.

B. Organization

The Zoning Commission shall organize and adopt rules for the transaction of business, and keep a record of its actions and determinations. Meetings of the Commission shall be held at the call of the Secretary or Chairman, and at other times as the Commission may determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the Township Building and kept as public record.

Three (3) members of the Commission shall constitute a quorum. Such quorum may exercise the powers of the Commission and the actions of a majority of the full Commission. All actions of the Commission shall have the concurrence of at least three (3) members, and the failure of any proposed amendment, supplement or action to receive an affirmative vote of at least the majority of the Commission present shall be considered a recommendation or vote against such amendment, supplement, or action and shall be so recorded and certified as applicable.

The Commission may call upon Township or County Departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance as may reasonably be required.

C. Responsibilities

For the purpose of this Resolution, the Commission shall have the following responsibilities:

1. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Board of Township Trustees.
2. Review all proposed amendments to this Resolution (text and/or map) and make recommendations to the Board of Township Trustees.
3. Review all Planned Unit Developments and make recommendations to the Board of Township Trustees.

Section 25.4 Township Board of Zoning Appeals

The Township Board of Zoning Appeals is hereby created in accordance with Section 519.13 of the Ohio Revised Code and as follows:

A. Appointment

The Board of Zoning Appeals shall consist of five (5) members and one (1) alternate member, who shall be residents of the unincorporated area of the Township to be appointed by the Trustees. The terms of all members, except the initial members, shall be five (5) years. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes, by the Board of Township Trustees upon written charges having been filed with the Board of Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by certified mail, or by having the same at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees, and shall be for the unexpired term.

B. Organization

The Board of Zoning Appeals shall organize and adopt rules for its own governance in accordance with the provisions of this Resolution.

1. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine.
2. The Chairman, or in his or her absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses.
3. All meetings of the Board shall be open to the public.

4. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.
5. Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution and the concurring vote of three (3) members shall be necessary to reverse any order or determination of the Zoning Department, or to decide in favor of the applicant in any manner of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

C. Responsibilities

A complete application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be undertaken by a property owner, or by a government officer, department, board or bureau. Such application shall be filed with the Zoning Inspector Department which shall transmit the same to the Board. The Board of Zoning Appeals shall have the following responsibilities:

1. Appeal

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Resolution.

2. Variances

To authorize such variances from the terms of this Zoning Resolution as will not be contrary to public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. This Section shall not be construed to permit variances to allow uses that would not otherwise be permitted by this Zoning Resolution.

3. Boundary Lines

To permit the extension of a District where the boundary line of a District divides a lot held in a single ownership on the effective date of this Zoning Resolution.

4. Conditional Use

To hear and determine Conditional Use Zoning Certificates for the use of land, buildings, or other structures, as per Section 25.7 of this Resolution.

5. Non-Conforming Uses

To hear and determine the substitution, enlargement or extension of a non-conforming use existing at the time of enactment of this Resolution. Standards and procedures for non conforming uses shall conform to Article 21 of this Resolution.

6. Revocation of Certificates

Violations of the regulations, provisions or amendments of this Zoning Resolution may result in the revocation of an issued Certificate as established in Article 99, Violations and Corrective Actions.

Section 25.5 Procedure for Appeal

The following provisions shall apply to the Board of Zoning Appeals for appeals:

A. Authorization

Any person aggrieved or affected by any decision of the Zoning Department or the Zoning Commission can be appealed to the Board of Zoning Appeals.

B. Notice of Appeal

Appeals to the Board shall be filed within twenty (20) days after the decision of the Zoning Department by filing a written notice of appeal with the Board of Zoning Appeals on the form specified by the Zoning Department. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Department shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.

C. Stay on All Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Department certifies to the Board of Zoning Appeals that by reason of facts stated in the Certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Court of Common Pleas.

D. Hearing on Appeal

1. The Board of Zoning Appeals shall fix a reasonable time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the parties of interest, and decide the appeal, in writing, within sixty (60) days after it is submitted. Each application or notice of appeal shall be accompanied by the appropriate fee. Upon the hearing, any party may appear in person or by attorney. A sign shall be erected on the subject property, provided by the Township, in a visible location at the front property line indicating an appeal hearing on the property. The sign shall contain the following as a minimum: the words "Zoning Appeal Hearing", Date and Time of the hearing and the place of the hearing.
2. The board may in conformity with the provisions of this article reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion should be made on the subject property and, to that end, shall have all powers of the Zoning Department from whom the appeal is taken.
3. Any person adversely affected by a decision of a Board of Zoning Appeals may appeal to the Court of Common Pleas.
4. The hearing of the Board shall be public.

5. Upon the day for the hearing of any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

E. Decisions of the Board

1. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.
2. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Department and observed by such Department and they shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

Section 25.6 Procedure for Obtaining a Variance

The procedures for obtaining a variance shall be as follows:

A. Authorization

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, such variances from the provisions and requirements of this Resolution as will not be contrary to the public interest but, only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause undue and unnecessary hardship. The Board shall make written findings of fact, based upon the standards set out in Section 25.6 D. of this Resolution.

B. Appeal for Variance

An application for a Zoning Certificate shall be filed with the Zoning Department, and if the application is rejected, a copy of the application and its written rejection shall be forwarded to the Secretary of the Board of Zoning Appeals. The applicant may file an appeal for a variance, which shall contain the following:

1. Description of Property and Nature of Variance
 - a. The nature of the variance including the specific provisions of the Zoning Resolution from which the variance is requested.
 - b. A description sufficient to identify the property, including a reference of the book and page of the last recorded deed.
 - c. A list of property owners, including names and mailing addresses, within three hundred (300) feet or including 3 adjoining property owners in all directions, whichever is greater, of the property subject to the variance request.

- d. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
- e. A statement showing that the special conditions and circumstances creating the unnecessary hardship do not result from the actions of the applicant.
- f. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights.
- g. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The appeal shall be accompanied by at least six (6) copies of a plot plan drawn to an appropriate scale showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.
- d. The relationship of the requested variance to the standards set by the Zoning Resolution.
- e. The use of land and location of structures on adjacent property.

C. Hearing on Variance

A hearing on the appeal shall be held by the Board and notice thereof given, as specified under Section 25.5 B, C and D of this Resolution. Furthermore, a sign shall be erected on the subject property, provided by the Township, in a visible location at the front property line indicating a variance hearing on the property. The sign shall contain the following as a minimum: the words "Zoning Variance Hearing", Date and Time of the hearing and the place of the hearing.

D. Standards for Variance

The Board of Zoning Appeals shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- 1. The variance requested arises from special conditions of, or involving the property, which are unique, that is, a situation which is not ordinarily found in the same Zoning District and that the situation results from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property;

2. The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
3. The variance desired will not adversely affect the public general welfare, health, and/or safety of the community; and
4. The variance desired will not compromise the general spirit and intent of this Resolution and the adopted Growth Management Plan as may be amended from time to time.

E. Conditions and Restrictions

In granting a variance, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 25.6 D. of this Resolution to reduce or minimize potentially injurious affects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Variance

The Board of Zoning Appeals shall have all the powers of the Zoning Department with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the Zoning Department under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A variance granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the variance, unless within such twelve (12) month period, a Zoning Certificate is obtained.

Section 25.7 Procedure for Conditional Use Permit

The following provisions shall apply to the issuance of Conditional Use Permit:

A. Authorization

Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the Development Standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

In no case shall a ruling by the Board of Zoning Appeals be considered to be precedent setting in any other case which may come before the Board and that is construed as similar in circumstances. The Board will consider each case based on its own merits, circumstances and/or hardship as it is presented to the Board.

B. Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed with the Zoning Department and forwarded to the Secretary of the Board of Zoning Appeals.

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use

- a. A description sufficient to identify the property including a reference of the book and page of the last recorded deed.
- b. The proposed use of the property.
- c. A statement of the necessity or desirability of the proposed use to the property and land use.
- d. A statement of the compatibility of the proposed use to adjacent property and land use.
- e. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The application shall be accompanied by at least six (6) copies of the plot plan, drawn to an appropriate scale clearly showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces, and landscaping.
- d. The relationship of the proposed development to the Development Standards in the existing Zoning District.
- e. The use of land and location of structures on adjacent property.
- f. A list of property owners, including names and mailing addresses, within three hundred (300) feet, or including 3 adjoining property owners in all directions, whichever is greater, of the property subject to the Conditional Use request.

3. Fees

Fees are as established by the Board of Township Trustees for Conditional Use Certificates.

C. Hearing on Conditional Use

A hearing on the application shall be held by the Board of Zoning Appeals and notice provided, as specified under Section 25.5 B., C. and D. of this Resolution. Furthermore, a sign shall be erected on the subject property, provided by the Township, in a visible location at the front property line indicating a conditional use hearing on the property. The sign shall contain the following as a minimum: the words "Conditional Use Hearing", Date and Time of the hearing and the place of the hearing.

D. Standards for Conditional Use

The Board of Zoning Appeals shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, Development Standards and use limitations.
2. Adequate utility, drainage and other such necessary facilities have been or will be provided.
3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary Local, State and/or Federal certificates, permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such Certificates and licenses are obtainable for the proposed Conditional Use on the subject property.
5. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the District in which it is located.
6. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
7. Evidence that the Conditional Use desired will not adversely affect the public general welfare, health, and safety of the community.

E. Conditions and Restrictions

In granting a Conditional Use Certificate, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Section 25.7 D. to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Conditional Uses

The concurring vote of a majority of the members of the Board of Zoning Appeals present at the meeting shall be necessary to reverse or modify any decision of the Zoning Department under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A Conditional Use Certificate granted by the Board of Zoning Appeals shall terminate at the end of twelve (12) months from the date on which the Board grants the Conditional Use, unless within the twelve (12) month period a building permit is obtained and the erection or alteration of a structure is started.

Section 25.8 Filing Plans

Every application for a Zoning Certificate shall be accompanied by a dimensioned sketch or scale plan indicating the shape, size, height and location in exact relation to all property lines and to street lines of all buildings or structures to be erected, altered or moved and of any building structures already on the lots.

Section 25.9 Zoning Certificate

- A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Department.
- B. Such certificate shall show that such a building or premise or a part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. No permit for excavation or construction shall be issued by the Zoning Department unless the plans, specifications, and the intended use conform to the provisions of this Resolution.
- C. Construction on the improvement granted by the Zoning Certificate shall commence within 90 days of issuance and must be completed within one (1) year. The applicant may appeal to the Zoning Department for an additional time allowance of six (6) months provided that progress can be seen. Additional extensions for the construction of the improvement may be granted only upon application to the Board of Zoning Appeals.

Section 25.10 Conditions Under Which Zoning Certificates are Required

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction or structural alteration of any building, including accessory buildings, but **excluding** any agricultural building as defined by the Ohio Revised Code.
- B. Change in use of an existing building, structure, or accessory building to a use of a different classification, excluding changing to any agricultural use as defined by the Ohio Revised Code.

- C. Occupancy and use of vacant land, excluding agricultural land as defined by the Ohio Revised Code.
- D. Change in the use of land to a use of a different classification, excluding a change to an agricultural use as defined by the Ohio Revised Code.
- E. Any change in the use of a non-conforming use.
- F. The erection or replacement of sign structures.

Section 25.11 Application and Issuance of Zoning Certificates

The application and issuance of Zoning Certificates shall be as follows:

- A. Written application for a Zoning Certificate for the construction of a new building or structure or for the structural alteration of an existing building shall be made at the same time as the application for a Clermont County Building Permit. Said Certificate shall be issued by the Zoning Department within ten (10) business days after a written request provided that such construction or alteration is in conformity with the provisions of this Resolution and a complete written application has been filed with the Zoning Department.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in use of land, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Department. If the proposed use is in conformity with the provisions of this Resolution, a Zoning Certificate shall be issued within ten (10) business days after the application for the same has been made and a complete written application has been filed with the Zoning Department.

ARTICLE 26
FEES, VIOLATIONS AND REMEDIES

Section 26.1 Fees

Wayne Township shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Certificates, Applications for Interpretation, Variances, Amendment Applications, Planned Unit Developments and other matters pertaining to this Resolution to cover the costs of inspection, investigation, legal notice and other expenses incidental to the enforcement of this Resolution. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. Such fees shall be paid to the Wayne Township Board of Trustees and collected by the Zoning Department.

Fees shall be paid in accordance with the Wayne Township Zoning Fee Schedule. The Wayne Township Zoning Fee Schedule may be updated as necessary by the Wayne Township Trustees, certified by the Wayne Township Clerk, and shall be posted at the Wayne Township Hall.

The applicant shall be responsible for the expenses incurred by Wayne Township in reviewing plans or any modifications of such plans. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, preparing reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses directly attributable thereon. Any fees passed on to the applicant are not refundable regardless of the outcome of the application.

Section 26.2 Unlawful Activity

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain or use any building or land in violation of any regulation or any provision of this Zoning Resolution or any amendment or supplement thereto adopted by the Wayne Township Trustees.

Section 26.3 Violation and Penalties

Any person, firm, or corporation violating any regulation, provision, amendment or supplement of this Zoning Resolution, or who fails to obey any lawful order of the Zoning Department issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than the amount as established under the Ohio Revised Code Chapter 2929 Penalties and Sentencing, Section 2929.28 Financial Sanctioning, Court Costs, for a minor misdemeanor. Each and every day during which the illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use may be deemed a separate offense.

Section 26.4 Remedies

In case any building is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Zoning Resolution, the Board of Township Trustees, the Zoning Department, the County Prosecutor or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

Section 26.5 Administrative Process

The Zoning Department may employ various means of communications to alleged or confirmed non-complaint entities including but limited to verbal, letters, electronic media, or other forms of communicating the violations to the Wayne Township Zoning Resolution. The Zoning Department will adhere to the most effective processes similar to those listed below may be followed:

1. **Violation or non-complaint activity observed, reported, or otherwise brought to the attention of Wayne Township.**
2. **Zoning Department attempts to make contact with parcel owner, resident, or other reasonable point of contact to confirm or refuse claim of violation.**
3. **If violation confirmed:**
 - A. **Initial notice of violation issued by Zoning Inspector with a description of the violation, a time frame of 20 days to correct the violation and notice of appeals rights.**
 - B. **If compliance is not achieved, a final notice of violation will be sent to property owner and the matter may be referred to the County Prosecuting Attorney for further action.**

The Zoning Department may notify the Wayne Township Fire Department, Fire Inspector, or another appropriate official when properties are perceived to have safety concerns. The regulations and authority of the Ohio Fire Code may be applied in parallel with guidelines set in the Wayne Township Resolution.