

SECTION 12: ENCROACHMENT PERMITS

RULE 12.1 PROCEDURES

- 12.1.1 An application for an encroachment permit shall be submitted by the owner of record of that property adjoining the right-of-way under which the proposed projection is requested.
- 12.1.2 Signs pertaining only to articles produced or sold or services rendered on the adjoining property shall be allowed. Only one sign for each business establishment shall be considered. No flashing or moving signs shall be allowed.
- a) All encroachments shall be from buildings or other supporting structures located outside the right-of-way.
 - b) All encroachments in existence prior to the adoption by Wayne County of these regulations and standards, which are in violation of Wayne County standards, shall be allowed to continue as non-conforming encroachments until such time as removal or replacement takes place, or at such time as Wayne County has a construction project for the widening and improvement of the road in front of where the encroachment exists. When renewal or replacement takes place or a road construction project is scheduled, the owner will be required to conform to Wayne County's regulations and standards. The following standards shall be adhered to:
 1. **AWNINGS:** Retractable and fixed awnings shall not project more than 8 feet (8') into the highway, but in no case closer than six (6') feet to the curb line or eighteen (18') feet from pavement edge in a case where the pavement is not curbed. The lowest part of the awning shall not be less than seven (7') feet above the sidewalk.
 2. **MARQUEES:** Marquees shall not extend over the sidewalk more than one half the width of the sidewalk or in any case more than eight (8') feet beyond lot line. The lowest part of the marquee shall be at least eight (8') feet above the sidewalk level at the building line.
 3. **ARCHITECTURAL DECORATIONS:** A projection from a building which is meant to enhance the appearance of the building, such as a false mansard roof, may be allowed to extend into the right-of-way by not more than three (3') feet with a minimum under-clearance above the sidewalk of eight (8') feet. Any projection of four (4") inches or less need not be restricted as to height above the sidewalk. The main roof of the building shall not project into the right-of-way. The placement of any facing material on an existing building such as aluminum, brick, plastic, etc., which results in an encroachment of air space of less than two (2") inches need not have Wayne County approval or permit;
 4. **SIGNS AND FLOODLIGHTS ATTACHED TO BUILDINGS:** Signs and floodlights attached to buildings may project not more than six (6') feet into the road right-of-way. They shall have a minimum under-clearance of eight (8') feet above the sidewalk. Wall signs may not project more than eighteen (18") inches and must have a minimum under-clearance above the sidewalk of eight (8') feet. Where the right-of-way margin between the

property line and pavement edge is less than ten (10') feet, only wall type signs will be permitted;

5. **SIGNS AND FLOODLIGHTS ATTACHED TO POLES:** Signs and floodlights projecting from poles shall be located completely outside the right-of-way unless, by so doing, the sign will be obstructed from view by adjacent buildings. In such cases, the sign may be allowed to project beyond the lot line not more than six (6') feet from a pole located completely outside of the right-of-way. A minimum under-clearance of eight (8') feet above the sidewalk must be maintained. Where the right-of-way margin between the property line and pavement edge is less than ten (10') feet, no projections will be permitted.
6. **BARBER POLES:** Barber Poles, when affixed to buildings, may project beyond the lot line not more than eighteen (18") inches with an under-clearance above the sidewalk a minimum of seven (7') feet.
7. **MISCELLANEOUS:** Standards for any street projections not covered above, will be determined on an individual basis by the Permit Office.

12.1.3 Wherever more restrictive requirements are imposed by State statute or by local ordinances other than those adopted by Wayne County, the owner shall comply with such other provisions of law or ordinances.

12.1.4 An application for an encroachment permit must be submitted to the Permit Office on a Wayne County Permit Application form. The Applicant shall attach the following to the encroachment permit application:

- a) A copy of the title, showing proof of ownership of the property
- b) A sketch detailing the vicinity, location and dimensions of the encroachment object(s)

12.1.5 Applicant returns application, sketch and proof of ownership of the property. All should be checked for accuracy. If no deed is provided, the Permit Office is requested to conduct a title search and no further action is taken until ownership is confirmed. If a title search is necessary, the permit fee is \$500.00

RULE 12.2 SPECIAL CONDITIONS FOR SIDEWALK CAFÉ PERMITS

12.2.1 The permit Applicant shall provide the Wayne County Permit Office with a sketch identifying the layout and portion of the proposed sidewalk café that will be located within the road right-of-way.

12.2.2 A clear area shall be maintained for pedestrian traffic and to facilitate maintenance and/or transportation use activities in accordance with local, State and federal requirements.

12.2.3 The permit Applicant shall not trim trees, hang signs on the existing lampposts nor otherwise modify the public property within the right-of-way.

12.2.4 Neither permanent fencing nor structures of any type shall be allowed to isolate tables and chairs for the sidewalk café.