



Village of Waynesfield

WAYNESFIELD ZONING ORDINANCE

Public Hearing Draft

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Contents

Title and Preamble	4
SECTION 100 Establishment of Districts	4
SECTION 120 Zoning Map Interpretation - (Reference Appendix B)	4
SECTION 140 Interpretation and Purposes	5
SECTION 160 Required Conformance	5
SECTION 180 Rules for Text Interpretation	6
SECTION 200 Nonconforming Uses.....	6
SECTION 220 Pending Application for Building Permits	7
SECTION 240 Miscellaneous Provisions	7
SECTION 260 R-1 Single Family Residential District.....	17
SECTION 280 R-2 Single and Double Family Residential District	19
SECTION 300 R-3 Multi-Family Residential District.....	20
SECTION 320 C-1 Central Commercial District.....	21
SECTION 340 C-2 General Commercial District.....	22
SECTION 360 I-1 Industrial District.....	24
SECTION 380 P-1 Planned Unit Development District	24
SECTION 390 Rear Dwellings and Mobile Homes	26
SECTION 400 A-1 AGRICULTURE.....	27
SECTION 420 Table of District Regulations	28
SECTION 440 Property Maintenance	29
SECTION 460 Dangerous Buildings.....	38
SECTION 480 Administration and Enforcement	41
SECTION 500 Board of Zoning Appeals	41
SECTION 520 Amendments.....	45
SECTION 540 Essential Services	48
SECTION 560 Definitions	48
SECTION 580 Penalty for Violation	54
SECTION 600 Invalidity of a Part	54
SECTION 620 Repeal of Existing Ordinances.....	54
SECTION 640 Date of Effect	55

SECTION 660: FORMS/APPENDIX	56
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Title and Preamble

An ordinance to regulate, restrict and limit the location and use of buildings, structures and land, for trade, industry, residence or other purposes; to regulate the height of structures; to provide a method of administration and enforcement; and to prescribe penalties for violation of the provisions within.

WHEREAS, it is determined by the Council of the Village of Waynesfield, Ohio, that it is in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the Village of Waynesfield, Ohio, to regulate, restrict, and limit the location and use of buildings, structures and land for trade, industry, residence, or other purposes and for said purposes, to divide the Village of Waynesfield, Ohio into such districts or zones as are deemed best suited for said purposes; to provide a method of administration and enforcement; and to prescribe penalties for violation of the provisions thereof. Now, therefore, be it ordained by the Council of the Village of Waynesfield, State of Ohio.

SECTION 100 Establishment of Districts

That, for the purpose of regulating and restricting the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses; and for the purpose of regulating the location of buildings and other structures hereafter erected or altered, setback building lines and other structures hereafter erected or altered, setback building lines and the area of yards, courts and other open spaces; and for the purpose of regulating and limiting the height of buildings and other structures hereafter erected or altered, the Village of Waynesfield is hereby divided into classes of use districts, termed respectively:

R-1 Single Family Residential District

R-2 Single and Double Family Residential District

R-3 Multi-Family Residential Districts

C-1 Central Commercial District

C-2 General Commercial District

I-1 Industrial District

P-1 Planned Unit Development District

A-1 Agricultural

All as shown on the Official Zoning District Map (Appendix B) which accompanies this Ordinance and is hereby declared a part thereof. The district designated on said Zoning Map or described hereafter are hereby established, and no buildings or premises shall be erected, altered or used except in conformity with the regulations herein prescribed for the districts in which such buildings or premises are located.

SECTION 120 Zoning Map Interpretation - (Reference Appendix B)

When definite distances in feet are not shown on the Zoning Map, the district boundaries on the Zoning Map are intended to be along existing street, alley or property lines or extensions of or from the same, and if exact location of such line is not clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of majority of members of the Board of Appeals.

When the streets or alleys on the ground differ from the streets or alleys shown on the Zoning Map, the Board of Appeals may apply the district designations on the map to the property on the ground in such manner as to conform to the intent and purposes of this section in the judgment of the said Board.

SECTION 140 Interpretation and Purposes

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building.

SECTION 160 Required Conformance

1. No land shall be used except for a purpose permitted in the district in which it is located;
2. Every person, partnership, company, corporation or any other type of personal or business entity or organization, shall have, prior to the time any construction begins within the corporation limits of the Village, a building application/permit obtained from the Zoning Inspector of the Village of Waynesfield.
 - A. Said building application/permit is required whenever any one of the following conditions is to be done:
 1. There is new construction of a building or structure. Replacement items are excluded (i.e., new siding, roofing, painting, replacement doors and windows).
 2. There is an alteration that will change the use (i.e., residential to commercial), or occupancy (i.e., from a single to a multiple family dwelling).
 3. There is an addition such as a garage, accessory building, cistern, breezeway or den; or conversion to another use.
 4. Whenever anyone walls in or attaches a patio to a house.
 5. Whenever a fence is to be built that exceeds the fence specifications of the various districts of this Ordinance.
 6. Whenever a building is being moved to a different location.
3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except for a use permitted in the district in which such building is located;
4. Every building hereafter erected or structurally altered should be located on a lot as herein defined and in no case should there be more than one (1) principal building on one (1) lot except as otherwise provided in this Ordinance, nor shall any building be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located;
5. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any parcel of land described by meets and bounds or any lot hereafter be created which does not conform and meet the requirements of this Ordinance;

SECTION 180 Rules for Text Interpretation

In the construction of these regulations, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules of construction apply to the text:

1. The particular should control the general.
2. In case of any difference of meaning or implication between the text and any caption or illustration, the text should control.
3. The word "shall" should be mandatory and not discretionary. The word "may" should be permissive.
4. Words used in the present tense should include the future; and words used in the singular number should include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

SECTION 200 Nonconforming Uses

Any lawful use existing at the time of the effective date of this Ordinance except as hereinafter specified may be continued although such use does not conform to the provisions of this Ordinance, provided the use does not constitute a public health or safety issue:

1. A nonconforming use of a building may be changed to another nonconforming use only by the Board of Zoning Appeals, restricted as follows:
 - A. The Board may permit substitution of a new nonconforming use in place of an existing nonconforming use, provided that the Board determines that any change of use will be less detrimental to the neighborhood than the existing use.
2. A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:
 - A. When the use has been discontinued for a period of six (6) months, except for reasons beyond the owner's control, or when the nonconforming use has been replaced by a conforming use, or when it has been changed to another permitted or conditionally permitted use by permit from the Board.

3. Except as hereinafter specifically provided, no nonconforming use, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered.
 - A. Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure.
 - B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all the regulations of the district in which such building or structure is to be located.
 - C. The reconstruction of a nonconforming use which has been damaged by fire, explosion, or extreme weather conditions to the extent that the building must be demolished, may be allowed by the Board. However, the reconstructed building may not exceed 100% of the ground floor area of the original building.

SECTION 220 Pending Application for Building Permits

Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permit have been legally granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started within six (6) months of the effective date of this Ordinance and completed in a normal manner within a subsequent two (2) year period and not discontinued until completion except for reasons beyond the builder's control. All permits, for which construction has not begun within six (6) months of the effective date or amendment of this Ordinance are hereby revoked and void.

SECTION 240 Miscellaneous Provisions

1. **Street Frontage Required:** Except as permitted by other provisions of this Ordinance, all lots created after the adoption of this Ordinance shall have frontage as a **public debt**.
2. **Corner Lots:** Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. Only on one side abutting either street shall the front setback be required, on the remaining side, a setback of one-half (1/2) the otherwise required setback shall be provided.
3. **Annexation:** Any territory hereafter annexed to the Village of Waynesfield shall be placed in a Zoning District classification to be determined at the time of annexation by the Village Council with advice of the Planning Commission.
4. **Prohibited Uses:** Within the Village of Waynesfield, Ohio no lot, land premises, place or buildings shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed to be used for any of the following specified uses:
 - A. Abattoirs and slaughterhouses, distillation of bones, manufacture or storage of explosives, fireworks, or gun powder, quarrying, mining or petroleum production, hog farms, pyroxylin or celluloid manufacture, and manufacture of explosive or inflammable pyroxylin products, stockyards, manufacture or industrial use of

sulfurous, sulfuric, nitric, hydrochloric, or other corrosive or offensive acids, tanning, curing, or storage of raw hides or skins, or similar dangerous and noisome uses.

- B. No mobile homes, or recreational vehicles used as residences.
- C. Billboards.
- D. Junk yards.
- E. Racetracks.

5. Vision Clearance in Residential Districts:

- A. On a corner lot, no fence or other structure more than three and one-half (3-1/2) feet in height above the plane of the established grades of the streets or alleys shall be erected on any part of the front yard or side yard. No planting or foliage shall be placed or maintained within such area that in the judgment of the Zoning Inspector will materially obstruct the view of a driver of a vehicle approaching the street or alley intersection.
- B. No fence which is more than three and one-half (3-1/2) feet in height above the plane of the finished grade of the lots at the division line between lots shall be erected, unless no part of said fence is within twenty (20) feet of any residence building located on the abutting lot.
- C. A privacy fence which exceeds three and one-half (3-1/2) feet in height may be erected in any rear yard around a patio or private swimming pool, and may be attached to the residence structure, as long as, said fence meets the required side and rear setbacks for the Zoning District in which said fence is to be constructed.

6. Accessory Buildings:

- A. No accessory building shall be erected in any yard other than a rear yard or side yard.

7. Temporary Building Structures:

Within the corporation limits of the Village of Waynesfield, Ohio; no person, partnership, company, corporation, or any other entity of any kind or combination of persons of any kind, shall construct, erect or maintain a temporary building structure beyond the specifications and allowances of this subsection. Hereafter in this subsection, "temporary building structure" shall be referred to as "enclosure(s)" per definition in Section 560.

A. In order to clarify the allowable use and duration of temporary enclosures, the following definitions are provided. There are three (4) types of temporary enclosures addressed here as follows:

1. Construction Related: If a building permit has been issued for construction of a new building on the same property, the applicant may also install a temporary office, shop or storage enclosure on the property if the use is directly related to the new construction activity and the temporary enclosure is removed upon completion of the construction project. Temporary construction related restroom facilities may also be used. For residential projects, the length of use is limited to twelve (12) months unless approved by the Zoning Inspector for a longer period. Note that this category of temporary enclosures is specifically related to construction projects.
2. Event Related: These enclosures are often tents or reviewing stands and can be set up for a maximum of two (2) weeks and are intended to serve a special event such as a store opening, carnival, parade, wedding, graduation, family gathering or similar short-term event. Event related enclosures may be set up a maximum of two (2) times per year on the same property. Temporary restroom facilities may also be used.
3. Storage Enclosure(s) These types of units commonly consist of storage trailers, (roadworthy or not, such as old semi-trailers), cargo containers, smaller hauling trailers or trailer boxes, commercially available temporary storage boxes etc.
 - a. Usage of such items are permitted under following conditions:
 - i. Unit size shall not exceed 8'x20'x10'ht.
 - ii. Unit must be placed within set-back limitations.
 - iii. Unit placement will not exceed 4 calendar weeks per usage with 2 such usages allowed per year on same property. A second usage must not occur any less than 8 weeks after ending period of first usage.
 - iv. A temporary use permit is required prior to placement of such units.
4. Fabric Covered Enclosures:
 - a. These enclosures are typically used to protect materials during short term storage, recreational purposes, for repairs to

automobiles, boats, or equipment and for weather protection at special events.

- b. These enclosures may be set up for a maximum of four (4) weeks with a maximum of two (2) times per year on the same property.
- c. Automobile, boat or equipment covers which are totally supported by the piece of equipment are not regulated.
- d. Window or door awnings totally supported by a building are not regulated. Enclosures bearing on the ground and another structure are regulated.

8. Fence, Wall and Hedges:

Fences or wall refer to any structure of natural or man-made materials erected in such a manner as to enclose or partially enclose any premises.

A. Fences and walls require a zoning permit.

B. The following standards shall apply to all fences and walls:

1. All fences and walls must present the finished non-structural face outward.
2. No fence or wall may be placed withing the sight visibility triangle, as defined in (J) of this section.
3. The fence or wall shall not be permitted to encroach upon public rights-of-way or easements.
4. The height of a fence shall be measured from the established grade to the highest point of the fence, including posts and finials.
5. The height of the fence may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
6. Railings on decks and patios shall be considered fences and be subject to the requirements of this section. The height of such railings shall be measured from the surface of the deck or patio.
7. Electrified, barbed wire, and razor wire are hereby prohibited in all zoning districts.
8. Permitted fences or walls shall be maintained in good condition, be structurally sound, completely ,finished and maintained at all times.

9. Any land between such fences or walls and property lines shall be well maintained by the appropriate property owner.
 10. Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned and maintained, in whole or part, strictly in accordance with the provisions of this ordinance.
 11. Outdoor storage or display areas proposed within fenced areas of a lot must comply with all other provisions of this ordinance regarding outdoor storage or display.
 12. The presence of fencing does not necessarily indicate that outdoor storage or display is permitted by this ordinance.
- C. All fences and walls in residential districts shall conform with the following additional standards:
1. All fences shall be erected, placed or constructed within the property line. If the property line is in question a property survey maybe necessary to determine the legal location of the property line. The survey would be completed at the expense of the property owner. The Village of Waynesfield is NOT responsible to ensure any fence is placed within the property lines.
 2. No solid fences shall be erected, placed or constructed forward of the principal permitted structure.
 3. Only open-faced fences, not exceeding four (4) feet in height, may be erected, placed or constructed forward of the principal permitted structure.
 4. No fencing shall be allowed greater than six (6) feet in rear and side yards.
 5. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
- D. Hedges shall be permitted in all residential zoning districts. Hedges shall not be located within the sight visibility triangle identified in (J) of this section.
- E. In commercial or industrial districts fences may be greater than four feet in height.
- F. All fences are restricted to the buildable area of a lot and are prohibited in the front yard.
- G. Chain link fences:

1. Limited to a maximum height of eight (8) feet above grade except as specifically stated otherwise.
 2. Chain link fences for full size tennis courts, basketball courts, baseball diamonds,
 3. softball diamonds and other similar applications are limited to ten (10) feet in height.
 4. Chain link fences are limited to the buildable area of the lot. In industrial districts only,
 5. chain link fences are permitted forward of the principal structure but shall not encroach into the minimum required front building setback.
 6. Chain link fences viewable from public right-of-way shall be screened with evergreen trees and shrubs.
- H. Brick or stone walls and solid wood fences used to screen dumpsters or service structures are permitted and may exceed the height requirements in this section consistent with the screening requirements.
- I. Arbor and swimming pool fence standards.
1. Arbor and swimming pool fencing standards are in addition to the general fence requirements of this Resolution.
 2. Arbors or trellises and fences surrounding swimming pools shall be permitted in the buildable area of all districts.
 3. Arbors or trellises that are detached from all buildings may encroach on a required side yard provided that the maximum height is eight (8) feet, the maximum width is five (5) feet, the maximum depth is three (3) feet; the surface of the arbor or trellis is at least fifty percent (50%) open; and the arbor does not extend forward of the building line.
- J. Line of sight triangles:
1. Line-of-sight triangles shall be provided in accordance with established American Association of State Highway and Transportation Officials (AASHTO) design recommendations for intersection sight distances/sight triangles as found in the AASHTO manual, A Policy on Geometric Design of Highways and Streets, and shall be indicated on the site plan.

2. Line-of-sight triangles shall be provided at the intersection of a driveway and a street or other public right of way, or at the intersection of two or more streets or public right of ways. (Applies to developed or undeveloped areas)
3. Unless more stringent requirements are provided, the intersection of two or more streets or the intersection of a driveway and one or more streets, no hedge, planting, fence, screening, or wall higher than 30 inches above curb level, nor any obstruction to a motorist's line of vision, other than a post not exceeding one foot in diameter, shall be permitted on any property within the line-of-sight triangle.
4. Property within the line-of-sight triangles shall be maintained, trimmed, and/or cleared of any material that could obstruct vision within the line-of-sight triangle.

9. Adult Entertainment Facilities:

Adult Entertainment Facilities are conditionally permitted in the General Commercial District C-2 (Section 340 C-2 General Commercial District), provided they meet the requirements and the following conditions for approval:

- A. No adult entertainment facility shall be located within five hundred (500) feet of any R District.
- B. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any school, library, or teaching facility that is attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- D. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any permanently established place of religious services.
- E. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any day care center, or any type A or B family day care home as established by the Ohio Revised Code.
- F. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any other adult entertainment facility.
- G. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any two of the following:

1. Cabarets, clubs, or other establishments which feature adult types of entertainment.
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 3. Pool or billiard halls.
 4. Pinball palaces or halls.
 5. Dance halls or discotheques.
 6. Massage parlors.
 7. Video arcades, or establishments known by other descriptions, which provide video and/or other games for entertainment attended or participated in by persons under (18) years of age.
- H. Measurement Standards - distances shall be measured from the property lines of any lot of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in items (a) through (g) of this section.
- I. No advertisements, 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 areas, semi-public areas, or quasi-public areas.
- J. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.
- K. No screens, speakers, or sound equipment shall be used for any adult motion picture theater, or other adult entertainment facility that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.
- L. Adult entertainment facilities shall be open to the public only between the hours of 7:00 p.m. and 2:30 a.m.
- M. The establishment of an adult entertainment facility shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses defined to constitute an adult entertainment facility.

10. Automobile Car Washes:

Automobile Car Washes are conditionally permitted in the Commercial Districts C-1 and C-2 and the Industrial-1 District, provided they meet the requirements of the specific districts and the following conditions:

- A. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- B. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an R-District.
- C. The following hard-surfaced, dust-free, off-street parking shall be provided:
 - 1. Two (2) waiting spaces for each car washing device or stall where vehicles await entrance to the washing process.
 - 2. Two (2) employee parking spaces.
 - 3. Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.
- D. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
- E. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
- F. A solid fence, wall or hedge six (6) feet high shall be required when an automobile car wash is adjacent to an R-District.

11. Zero Lot Lines, Lot Splits & Condominium Agreements:

- A. Zero lot lines and lot splits without approval of the Village Planning Commission and Village Council are prohibited. That the approval of any lot splits or zero lot lines is not intended to establish a precedent for residential lots and is to be done only on a case-by-case basis.
- B. That any construction of two (2) or more owner-occupied units on a single lot shall enact a condominium enabling declaration and bylaws pursuant to Section 5311 of the Ohio Revised Code. Parties wishing to establish a condominium document shall contract with a licensed attorney for such services.

12. Wind Turbines: Wind Turbines are not permitted.

13. Geothermal Systems:

- A. Closed loop geothermal systems are permitted within property setbacks.

14. SOLAR PANELS. Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

- A. Attached to Building. Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall.
- B. Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure which no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
- C. Integrated solar panels as well as flush mounted solar panels may be located on any part of the roof.
- D. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not extend beyond the footprint of the roof to which it is attached.
- E. Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
- F. Free-standing. Solar panels that are not attached to a building shall be permitted as an accessory structure subject to the following regulations:
 - 1. Free-standing solar panels shall be permitted in the rear and side yard only.
 - 2. Free-standing solar panels shall be set back according to the setback requirements of the zoning district.
 - 3. Free-standing solar panels shall not exceed a height of 16 feet.
 - 4. The surface area covered by a free-standing system shall not exceed 350 square feet.
 - 5. All power transmission lines shall be underground.
- G. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

- H. Building Permit. Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system.

15. **House Numbers:** See Waynesfield Village Ordinance 22-10-3 An Ordinance For Numbering Building Structures within the Village of Waynesfield passed December 19, 2022

16. **Mobile Homes**

A. Prohibited

1. If existing, maybe replaced within one (1) year with a mobile home that is no less than five (5) years old. The replacement mobile home must be placed on a permanent foundation, the axles and tongue removed. The mobile home must be a minimum of 800 square feet.
2. A mobile home that has NOT been occupied for 2 years must be removed. A new mobile home may NOT be placed on the lot.
3. A mobile home that has been removed for over 2 years may not be replaced. No variance shall be issued.
4. Mobile homes replaced under this section will be installed meeting Ohio Admin. Code 4781-6-02

SECTION 260 R-1 Single Family Residential District

1. **Principal Permitted Uses:**

- A. Residential: Single family detached dwelling; the dwelling unit having a Front Entrance; constructed on a Permanent Foundation.
- B. Recreational: Public parks, playgrounds, recreational, and community center buildings and grounds, tennis courts, and similar public recreational uses of a non-commercial nature, provided that any principal building used therefore shall be located not less than forty (40) feet from any other lot in any residential district.

2. **Conditionally Permitted Uses:** The following uses may be permitted in the R-1 District if expressly authorized by the Board of Appeals in accordance with the provisions of Section 500, and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- A. Recreational: Private noncommercial recreational areas and facilities such as swimming pools and tennis courts.
- B. Public Facilities and Utilities: Structures and installations which are necessary public facilities and utilities and require location in the R-1 District.
- C. Customary home occupations, provided that such home occupation meets the definition in Section 560.

- D. Children's playhouse structures exceeding one hundred sixty (160) square feet or eight (8) feet in height shall require a building permit. All playhouse structures, regardless of size, shall meet the setback requirements of the district.

3. Accessory Building:

- A. As defined in Section 560. See Section 420 Table of District Regulations for required setbacks pertaining to garage entrances.
- B. Any accessory building upon a lot which would exceed 720 square feet in area, shall not contain more than 40% of the square footage of the ground floor living area of the principal building; and in no case shall the total of all accessory buildings on a lot comprise more than 35% of the allowable building area of the lot on which they are located. All accessory buildings shall be constructed on permanent foundations. No more than one (1) detached accessory building is permitted on a lot. An accessory building shall in no case have a height greater than the principal building.

4. Signs: The only signs permitted in the R-1 district shall be as follows:

- A. One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) square feet and located at least twelve (12) feet from all street right-of-way lines or flat against the building.
- B. One (1) temporary unlighted sign not exceeding fifty (50) square feet in area in a real estate development containing fifteen (15) lots or more. Such sign shall be set back from every street line or any other lot in any residential district at least a distance equal in feet to the front yard requirement of that district. Such sign shall be removed within three (3) years from the date of its construction.
- C. Any unlighted sign of not over two (2) square feet in area and attached directly to the building, for home occupation, is permitted.

5. Area, Setback, and Height Requirements: As defined in Section 420 for the R-1 District.

6. Private Swimming Pool: No private swimming pool, exclusive of portable swimming pools with an inside diameter of less than twelve (12) feet or with an inside area of less than one hundred thirteen (113) square feet, or of a pond, shall be allowed in any residential or commercial district except as an accessory use, and shall comply with the following requirements:

- A. The pool shall not be located in any yard except the rear yard.
- B. The rear yard setback requirement is thirty-five (35) feet.
- C. An in-ground pool facility is required to be at least fifteen (15) feet from all property lines.

- D. The swimming pool or other attractive nuisance, or the entire property on which it is located, shall be walled, or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be no less than five (5) feet in height and shall be maintained in good condition with a self-closing gate and lock. Such five (5) foot fence or wall may be the extension of the sidewalls of the swimming pool.
- E. Portable spas/hot tubs shall be exempt from this requirement, provided the spa/hot tub has the locking safety cover which meets ASTM ES 13 or latest revision.

SECTION 280 R-2 Single and Double Family Residential District

1. Principal Permitted Uses:

- A. Any use or structure permitted in Section 260.1 of the R-1 District.
- B. **Residential:** Single and double family detached dwellings; each dwelling unit having a Front Entrance; constructed on a Permanent Foundation.
- C. **Institutional and Cultural:** Churches and other places of worship, not including funeral chapels or mortuary chapels, provided that church buildings and buildings used for worship shall be located not less than twenty (20) feet from any other lot in any residential district; schools and institutions for academic instruction shall be located not less than forty (40) feet from any lot in any residential district.
- D. **Recreational:** Public parks, playgrounds, recreational, and community center buildings and grounds, golf courses, country clubs, tennis courts, and similar public recreational uses of a non-commercial nature, provided that any principal building used therefore shall be located not less than forty (40) feet from any other lot in any residential district.

2. Conditionally Permitted Uses: The following uses may be permitted in the R-2 District **if expressly authorized by the Board of Appeals in accordance with the provisions of Section 500**, and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- A. **Recreational:** Private noncommercial recreational areas and facilities such as swimming pools and tennis courts.
- B. **Hospitals:** Medical center or clinic or similar facilities for human care.
- C. **Public Facilities and Utilities:** Structures and installations which are necessary public facilities and utilities and require location in the R-2 District.
- D. Customary home occupations, provided that such home occupation meets the definition in Section 560.

- E. Children's playhouse structures exceeding one hundred sixty (160) square feet or eight (8) feet in height shall require a building permit. All playhouse structures, regardless of size, shall meet the setback requirements of the district.

3. Accessory Building:

- A. As defined in Section 560 for required setbacks.
- B. Any accessory building upon a lot which would exceed 720 square feet in area, shall not contain more than 40% of the square footage of the ground floor living area of the principal building; and in no case shall the total of all accessory buildings on a lot comprise more than 35% of the allowable building area of the lot on which they are located. The maximum size (measured at the base) of an accessory building that is not on a permanent foundation is one hundred sixty (160) square feet with a maximum height of twelve (12) feet. No more than one (1) accessory building that is not on a permanent foundation is permissible. An accessory building shall in no case have a height greater than the principal building. An accessory building shall not have a door height greater than eight (8) feet.

4. Signs: The only signs permitted in the R-2 district shall be as follows:

- A. Any sign permitted in Section 260.4 of the R-1 District.
- B. One (1) bulletin board not exceeding twelve (12) square feet in area for any church, school, or other public or semi-public institution.

5. Area, Setback, and Height Requirements: As defined in Section 420 for the R-2 District.

6. Private Swimming Pool: As defined in Section 260.6 of the R-1 District.

SECTION 300 R-3 Multi-Family Residential District

1. Principal Permitted Uses:

- A. Any use or structure permitted in Section 280.1 of the R-2 District.
- B. Residential: Multi-family detached dwellings; each dwelling unit having a Main Entrance; constructed on a Permanent Foundation.

2. Conditionally Permitted Uses:

The following uses may be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 500, and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- A. Any conditionally permitted uses as regulated in Section 280.2 of the R-2 District.

3. **Accessory Building:** As defined in Section 280.3 of the R-2 District.
4. **Signs:** As defined in Section 280.4 of the R-2 district.
5. **Off-Street Parking and Loading:** As defined in Section 420, footnote B.
6. **Area, Setback, and Height Requirements:** As defined in Section 420 for the R-3 District.
7. **Private Swimming Pool:** As defined in Section 280.6 of the R-2 District.

SECTION 320 C-1 Central Commercial District

1. Principal Permitted Uses:

- A. **Retail and Services:** Department stores, dry goods and apparel stores, mail order houses, variety stores, art or antique shops, furniture and appliance stores, self-service laundries, dry cleaning shops, hardware stores, shoe stores, business offices, specialty shops.
- B. **Entertainment:** Motion picture theaters, dance halls, studios, bowling alleys, swimming pools, skating rinks, lounges.
- C. **Food and Services:** Food stores, restaurants, delicatessens.
- D. **Printing and Publishing:** Commercial printing establishments, and newspaper publishing, specialty printing, and the like, provided that the business is in an enclosed building and does not require outside storage of materials or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibration, fumes, glare or light.
- E. **Public Facilities and Utilities:** Any public facility or utility not detrimental to the character and nature of the C-1 District.

2. Conditionally Permitted Uses:

The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with Section 500, and subject to any limitations and restrictions deemed necessary by the Board.

- A. Any other retail business or service establishment which the Board of Appeals determines to be of the same character and nature as those specifically allowed, but not including those uses which are first permitted in the C-2 District, except that gasoline filling stations may be permitted as a conditional use in the C-1 District.
- B. **Residential:** Dwelling units are not permitted as a principal use in the C-1 District; however, dwelling units may be allowed as a secondary use, where it is clearly demonstrated that the residential use is not the principal use of the structure and is located within the principal structure.
- C. **Automobile Car Wash:** See Section 240.10

3. **Accessory Building and Uses:** Accessory building and uses customary and incidental to any of the foregoing permitted uses and otherwise not prohibited.
4. **Signs:** Each business shall be permitted one (1) flat or wall on-premise sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum of one hundred (100) square feet.

Free standing on-premise signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one (1) free standing sign for each building, regardless of the number of businesses conducted in said building.
5. **Off-Street Parking and Loading:** 100% floor area. Secondary residential uses must meet the off-street parking requirements established in Section 300.5 for the R-3 District.
6. **Area, Setback and Height Requirements:** As defined in Section 420 for the C-1 District.

SECTION 340 C-2 General Commercial District

1. **Principal Permitted Uses:** Any use permitted in Section 320.1 of the C-1 District, and the following:
 - A. Wholesale and Warehousing: Any wholesale business, storage, warehousing and the like.
 - B. Entertainment: Drive-in theaters, provided that the screen be so located as to make the picture not visible from adjacent streets or highways.
 - C. Animal Hospitals: Animal hospitals, kennels, housing, or boarding or caring for animals.
 - D. Commercial Recreation: Baseball fields, golf driving ranges, amusement parks, and similar open air facilities.
 - E. Building and Related Trades: Carpenter shops, electrical plumbing and heating shops, furniture upholstery and similar establishments.
 - F. Automotive Service: Gasoline service station, repair garages, body shops, and the like.
 - G. Funeral Homes.
 - H. Hotels and motels.
2. **Conditionally Permitted Uses:** The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 500, and subject to any limitations and restrictions deemed necessary by the Board.

- A. Any other retail, wholesale, or service establishment which the Board of Appeals determines to be of the same character and nature of those specifically allowed, but not to include those uses first permitted in the Industrial District.
 - B. Adult Entertainment Facilities: See Section 240.9.
 - C. Automobile Car Wash: See Section 240.10.
3. **Accessory Uses:** Accessory uses and structures as permitted in Section 320.3 of the C-1 District, and such other accessory uses and structures customary and incidental to any of the foregoing permitted uses and otherwise not prohibited.
4. **Prohibited Uses:** No single, double or multi-family residential dwelling units are allowed.
5. **Signs:** Any sign permitted in Section 320.4 of the C-1 district.
6. **Off-Street Parking:** In connection with every commercial, business, trade, institution, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:
- | | |
|---|--|
| Animal Hospitals | 100% of floor area. |
| Automobile sales and service garages | 100% of floor area. |
| Bowling Alleys | 5 spaces for each alley. |
| Churches and Schools | 1 space for each 8 seats in a principal auditorium or 1 space for each 17 classroom seats, whichever is greater. |
| Dance Halls, Assembly Halls | 200% of floor area used for dancing or assembly. |
| Funeral Homes, Mortuaries | 4 spaces for each parlor or 1 space for each 50 square feet of floor area, whichever is greater. |
| Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops | 100% of floor area. |
| Hospitals | 1 space for each 2 beds (bassinets are not considered beds.) |
| Hotels, Lodging Houses | 1 space for each bedroom. |
| Restaurants, Taverns, and Night Clubs | 200% of floor area. |
| Theaters, Assembly Halls with fixed seats | 1 parking space for each 4 seats. |
| Wholesale Establishments or Warehouses | 1 space for each employee or 10% of the floor area whichever is greater. |
- A. In case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned, and to which said use is similar shall apply as determined by the Board of Zoning Appeals.
 - B. Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have protective walls or bumper blocks at least five (5) feet from any street right-of-way.
 - C. Entrances, exits, or driveways shall not be computed as any part of a required parking lot area.
7. **Area, Setback, and Height Requirements:** As defined in Section 420 for the C-2 District.

SECTION 360 I-1 Industrial District

1. **Principal Permitted Uses:**

Any industrial or manufacturing or processing establishment not otherwise prohibited in Section 240 (Miscellaneous Provisions).

- A. Industrial and manufacturing uses.
- B. Research and development establishments.
- C. Warehouse and wholesale establishments.
- D. Building materials and storage yards.

2. **Conditionally Permitted Uses:**

The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with Section 500, and subject to any limitations and restrictions deemed necessary by the Board.

- A. Any other industrial or manufacturing activity which, in the opinion of the Board of Zoning Appeals, will not emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat, or light, or create other objectionable conditions beyond the limits of the district in which it is located.
- B. Automobile Car Wash: See Section 240.10

3. **Accessory Uses:** Accessory uses and structures customary and incidental to any permitted use shall be allowed.

4. **Prohibited Uses:** No building or structure located within the I-1 District shall be used for any type of dwelling unit, tourist home, rooming house, or group dwelling.

5. **Area, Setback, and Height Requirements:** As defined in Section 420 for the I-1 District.

6. **Off-Street Parking:**

- A. One (1) off-street parking space for each employee. If more than one (1) shift, use the combined total of employees of the first two (2) shifts. In addition to employee parking, visitor parking shall be provided with one (1) space per 6,000 square feet of floor space.

7. **Signs:** Any sign permitted in Section 320.4 of the C-1 District, and Section 340.5 of C-2 District.

SECTION 380 P-1 Planned Unit Development District

1. **Purpose:**

The purpose of planned unit development approval is to allow diversification in the relationships of various buildings, structures, and open spaces in planned building groups and the allowable

heights of the buildings and structures, while insuring substantial compliance with the district regulations and other provisions of this Ordinance, in order that the intent of this Ordinance in requiring adequate standards related to the public health, safety, and general welfare, shall be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial, or industrial purposes.

2. Minimum Area:

No application shall be made for an area of less than five (5) acres for a planned unit development.

3. Streets and Sidewalks:

- A. For safety and visibility, street construction shall conform to the Ohio Department of Highway's regulations in effect on the date of the approval of the preliminary plat.
- B. Sidewalks and Curbs shall be required on both sides of the street in all residential subdivisions and for all commercial lots.

4. Drawings and Plans:

The application shall be accompanied by a general development plan showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as school and playgrounds, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses. Such other pertinent information shall be included as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily under this Ordinance.

5. Findings of Board:

In order to grant a planned unit development permit, the Board shall find the following:

- A. The proponents of the planned unit development have demonstrated that they intend to start construction within six (6) months of the approval of the project and any necessary zoning district change, and that they intend to complete the construction within a reasonable time as determined by the Board.

B. In the case of proposed residential developments:

That such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood and will result in an intensity of land utilization no higher than, and standards of open spaces at least as high as permitted or specified otherwise for such development in this Ordinance.

C. In the case of proposed commercial developments:

That traffic congestion will not likely be created by the proposed center or will be obviated by presently projected improvements and by demonstrable provision in the plan for proper entrances and exits; and by internal provisions for traffic and parking; that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent surrounding development.

D. In the case of proposed industrial developments:

That such development is fully in conformity with applicable standards and will constitute an efficient and well-organized developments, with adequate provisions for railroad and/or truck access service and necessary storage: that such development will have no adverse effects upon adjacent or surrounding development.

- E. The development of a harmonious, integrated whole justifies exceptions, if such are required, to the normal requirements of this Ordinance.

6. Revocation of Permit:

A planned unit development permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Board shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the Permit by the Board. After conclusion of such review, the Board may revoke such permit if it finds that a violation in fact exists and has not been remedied prior to such hearing.

7. Expiration of Permit:

In any case where a planned unit development permit has not been used within twelve (12) months after the date of granting thereof, then without further action, the permit shall be null and void.

SECTION 390 Rear Dwellings and Mobile Homes

1. Permitted Uses:

- A. In a Mobile Home Park District, buildings and premises may be used only for a Mobile Home Park and necessary ancillary services. However, no building or occupancy permit for a mobile home shall be issued for any of such uses as herein set forth until and unless the Mobile Home Park District has been approved by the Zoning board of Appeals.

- B. Following uses are allowable only after specific approval by the Zoning Board of Appeals:

1. Mobile Homes for residential purposes
2. Home occupations

3. Municipal fire and police stations, Municipal water plants, public parks, public playgrounds and other municipal recreation uses, not including amusement parks operated for profit, and other necessary Municipal Utility Service.
 4. Advertising signs of any character not to exceed eight (8) square feet in area pertaining to a lawful activity on the premises or for the sale of rental of the mobile home.
 5. Accessory uses incidental to any of the principal uses listed in this section and not involving the conduct of the business.
- 1.

SECTION 400 A-1 AGRICULTURE

1. Principal Permitted Uses:

- A. Agriculture: Any customary agricultural use, buildings, structures, including nurseries, greenhouses, pasturage, aquaculture, horticulture, floriculture, viticulture
- B. Churches: Churches, other places of worship (but not including funeral chapels or mortuary chapels) schools and institutions for academic instruction.
- C. Uses permitted under R-1 Residential Districts

2. Conditionally Permitted Uses:

(Must be expressly authorized by the Zoning Board of Appeals in accordance with this code. It is subject to any limitations and restrictions deemed necessary by the Zoning Board of Appeals.)

- A. Dairy, Animal and Poultry Husbandry and aquaculture

3. Prohibited Uses:

- A. All uses in I-1 Industrial District
- B. All uses in C-1 Central Commercial District
- C. All uses in C-2 General Commercial District.
- D. Any kind of manufacturing, compounding, processing, marketing, or treatment of any product other than that which is clearly incidental and essential to the operation of an Agricultural Service
- E. Any business that may be obnoxious or offensive by the reason of emission of odor, dust, gas, smoke, vibration or noise.

4. Area, Setback, and Height Requirements:

- A. **LOT/LAND AREA** MUST be a minimum of five (5) acres.

- B. FRONT YARDS:** Each lot on which a building is placed for agricultural use shall have a front yard of not less than one hundred (100) feet in width.
- C. SIDE YARDS:** Each lot on which a building is placed for agricultural use shall have a side yard of not less than one hundred (100) feet.
- D. CORNER LOTS:** Each lot on which a building is placed for agricultural use shall have corner lots of the same width as front yards.

5. Off-Street Parking:

- A.** Shall be adequate to provide off street parking for all vehicles, equipment, and machinery incidental to agricultural use.

6. Signs: The only signs permitted in the A-1 district shall be as follows:

- A.** Any sign permitted in Section 260.4 of the R-1 District.

SECTION 420 Table of District Regulations

The following table provides the minimum parcel or lot size, minimum floor area per family, minimum lot width, minimum setbacks, and height limitations for all zoning districts in the Village of Waynesfield. When more than one footage condition applies, the maximum footage condition shall always take precedence.

Zoning District	Minimum Lot Size (Square Feet)	Minimum Floor Area Per Family (square Feet)	Minimum Lot Width (Feet)	Minimum Building Setback Lines Note: When more than one setback condition applies below the maximum footage condition shall always take precedence. (Feet)			Maximum Building Height (Feet)
				Front	Side	Rear	
R-1 Single Family	7,300 Corner 8,100	Single 1,200 1,500 other than one story	56	40	10	10 15 (alley) 10 (Accessory Building)	35
R-2 Single and Double Family	7,300 Corner 8,100	Single 800	56	40	10	10 15 (alley) 10 (Accessory Building)	35
R-3 Multi Family	10,560 Corner Lot, 12,000 <hr/> 5,200 Per unit	Single & Double same as R-2 District <hr/> Multi 800	80	25	10	25 <hr/> 10 (Accessory Building)	35

		1000 other than one story					
C-1 Central Commercial				15	8	8	35
C-2 General Commercial	10,000	N/A	85	40	8	25	35
I-1 Industrial	20,000	N/A	125	50	20	35	35
P-1 Planned Unit Development	7,300 Corner 8,100	Single 1,200 1,500 other than one story	56	40	10	10 15 (alley) 10 (Accessory Building)	35
A-1 Agriculture	5 Acres	N/A		100	100	100	N/A

NOTES

- A. All setbacks are based on property line.
- B. R-3 Multi Family must have a minimum of one (1) off street parking space per unit.

SECTION 440 Property Maintenance

1. Purpose and Intent

This Section shall be known as the "Property Maintenance Regulations of Waynesfield." The purpose of this Section is to protect the public health, safety, and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of residential and non-residential structures and premises; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to fix penalties for violations of this Section.

2. Validity

The provisions in this Section shall not be construed to prevent the enforcement of other ordinances or regulations, which prescribe standards other than, are herein. In the event of conflict between any provisions of this Section, including any rules and regulations adopted pursuant to this Section and any provisions of the Section or ordinances of the Village, including rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail.

3. Applicability

This Section shall apply to all structures and premises within the Village of Waynesfield,

4. Definitions

For the purpose of this Section, 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 and not discretionary.

- A. Deterioration** means the condition or appearance of the exterior of the building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect or lack of maintenance.
- B. Dumpster** means a large waste receptacle designed to be emptied into a refuse truck, or a large roll-off waste receptacle designed to be loaded on a truck. The dumpster is intended for construction related materials, and never for kitchen waste, yard waste or animal waste.
- C. Exterior of the Premises** means those portions of a building which are exposed to public view and the open space of any premises outside of any building.
- D. Garbage** means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- E. Infestation** means the presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.
- F. Nuisance** means that which is defined by the statutes of the State of Ohio and declared thereby to be a nuisance and including conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the conditions are perilous by active and negligent operation thereof and unsanitary conditions are anything offensive to the senses or dangerous to health.
- G. Occupant** means any person living and sleeping in a dwelling unit or having actual possession of said dwelling unit or any person who leases or rents a nonresidential building, structure or any portion thereof.
- H. Owner** means any person, who, alone or jointly or severally wowner,hers, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof, or shall have charge, care or control as owner or agent of the owner; or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.
- I. Person** includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.
- J. Premises** mean a lot, plot or parcel of land, including the buildings or structures thereon.
- K. Property Maintenance Officer** means the Police Chief of the Village of Waynesfield or their duly assigned representative(s).
- L. Refuse** means all putrescible and non-putrescible solid wastes (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals, and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard and includes garbage, trash and debris which present an unsanitary and/or safety.
- M. Rubbish** means non putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics and similar materials.

5. Maintenance Responsibility

No owner, agent or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premise any condition, which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance.

The owner shall be responsible for ensuring that the premises are maintained in good repair and appearance is in compliance with this Section. Occupants shall be responsible for maintaining, in a clean and sanitary condition, these premises or portion thereof, which they occupy and/or control. In the case of commonly held properties associated with condominiums or similar projects, it shall be the responsibility of the designated homeowner's association or similar organization to maintain those items that are under their direct ownership or control.

6. Maintenance Required

All exterior parts of every dwelling structure and accessory structures, including decorative additions, chimneys, fences and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather tight, and so as to resist decay or deterioration from any cause.

Any dwelling structure or accessory structure whose exterior surface is deteriorated must be repaired or razed.

7. Infestation

All structures and the premises thereof shall be maintained free of vermin, rodents and other pests, and free of sources of breeding, harborage and infestation by such vermin, rodents and other pests.

8. EXTERIOR PROPERTY AREAS:

A. Premises to be Maintained.

No owner or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any of the following:

1. Broken or dilapidated fences, walls, or other structures.
2. Rugs, rags, or other materials hung on lines or in other places on the premises, which materials are not being used for general household or housekeeping purposes.
3. Broken, dilapidated or unusable furniture, mattresses or other household furniture, broken glass, plastic materials, paints, miscellaneous coverings, and/or any other material, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.
4. Any garbage of animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

- B. Dumpsters** Pertaining to the use of in Waynesfield residentially zoned districts: The use of dumpsters in all residentially zoned districts is prohibited except for the temporary disposal of construction materials. A dumpster shall never be used for kitchen waste, yard waste or animal waste. The maximum amount of time a dumpster may be on a residentially zoned lot is thirty (30) days unless a longer period of time is requested by the property owner and approved by the Property Maintenance Officer. The dumpster should always be located on private property. In the event it is impossible to locate the dumpster on private property during the construction, the property owner must receive permission from the Village Administrator to place the dumpster on a street, alley or other public property. If permission is given to place a dumpster on public property, the Village Administrator may require the property owner to supply traffic barriers, reflectors, etc. to the satisfaction of the Waynesfield Police Chief.

C. Rank Vegetation

1. Lawns on R-1, R-2, I or C property classifications and as well as within a public right-of-way shall be kept from becoming overgrown and unsightly and shall be maintained at a height not to exceed 12 inches, so as not to constitute a blighting or deteriorating effect on the surrounding neighborhood.
2. Noxious weed and rank vegetation shall include but not be limited to:

Shatter cane (*Sorghum bicolor*),

Russian thistle (*Salsola Kali* var. *tenuifolia*),
Johnsongrass (*Sorghum halepense*),

Wild parsnip (*Pastinaca stiva*),

Grapevine (*Vitis* spp.) when not growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years.,

Canada thistle (*Cirsium arvense*),

Poison hemlock (*Conium maculatum*),

Cressleaf groundsel (*Senecio glabellus*)

Musk thistle (*Carduus natans*),

Purple loosestrife (*Lythrum salicaria*),

Mile-a-minute weed (*Polygonu perfoliatum*),

Giant hogweed (*Heracleum mantegazzianum*),

Apple of Peru (*Nicandra physalodes*),

Marestail (*Conyuza canadensis*),

Japanese knotweed (*Polygonum*),

Forage kochi (*Bassia prostrate*),

Yellow groove bamboo (*phyllostachys aureasculata*), when plant has spread from its original premise of planting and is not being maintained,

Field bindweed (*Convolvulus arvensis*),

Heart-podded hoary cress (*Lepidium drama* sub. *Drama*),

Hairy whitecap or ball cress (*Lepidium appeliannim*),

Perennial sow thistle (*Sonchus arvensis*),

Russian knapweed (*Acoptilon repens*),

Leafy spurge (*Euphorbia usual*),

Hedge bindweed (*Caluystegia septum*),

Serrated tussock (*Nassella trichotomy*),

Columbus grass (*Sorghum alnum*),

Musk thistle (*Carduus nations*),

Kudzu (*Pueraria montana* var. *lobata*),

Palmer amaranth (*Amaranthus palmeri*),

Kochia (*Bassia scoparia*),

Water hemp (*Amaranthus tuberculatus*)

D. Trees and Branches

No owner or occupant of any premises shall permit a dead tree to stand that might endanger anyone should all or part of it fall. No such owner or occupant shall permit a dead branch to

- a. overhang a public sidewalk or roadway. Trees shall not be planted in the tree lawn.

9. ADMINISTRATIVE: PROPERTY MAINTENANCE OFFICER:

It shall be the responsibility and duty of the Property Maintenance Officer (Police Chief) to enforce and administer the provisions of the Section.

A Responsibilities of Owner

Owners shall have the duties and responsibilities as prescribed in this Section and no owner shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof.

B Notice of Violation

Where a violation of this Section is found to exist, a written notice from the Property Maintenance Officer shall be served upon the person or persons responsible for the corrections thereof. Said notice shall specify the violation or violations committed and a reasonable period of time to correct or abate said violation.

Service of said notice shall be by certified mail addressed to the owner and/or occupant at his residence or to the tax mailing address as indicated by the records of the Village or by delivery to the residence of the owner and/or occupant by delivery to said individuals at the premises.

C Time Extension for Compliance

Where the owner and/or occupant of a premises is unable to comply with a notice of violation within the time period specified; the owner, within two (2) weeks of the notice of nonconformance; may enter into a written agreement with the Property Maintenance Officer detailing a program to abate non-conformance within a reasonable time limit, not to exceed 60 days.

D Failure to Comply

Whenever the owner and/or occupant of a structure or premises fails, neglects, or refuses to comply with any notice of the Property Maintenance Officer within the time period specified in said notice, the Property Maintenance Officer shall proceed as provided by law.

E Abatement of Violations

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions within the time period specified in said notice, the Property Maintenance Officer shall cause such violation to be corrected, removed or abated. The Property Maintenance Officer may contract with a private person or firm to accomplish said task. The actual cost of bringing the property into compliance plus 15% or \$200.00 (whichever is the lesser amount) for inspections and administration shall be billed to the owner. If said bill is not paid within thirty (30) days after submission, then the Clerk of Council shall certify said costs together with a 10% penalty to the Auglaize County Auditor for placement on the tax duplicate to be collected as other taxes for return to the Village.

F Prosecution of Violations

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of this Section, said owner or occupant shall be in violation of this Section and the Property Maintenance Officer shall proceed at law to compel compliance and to prosecute said violation.

G Appeals

Any owner and/or occupant who is served a notice of violation of any of the provisions of this Section may within ten (10) business days of receipt of said notice appeal the findings of the Property Maintenance Officer. Such an appeal shall be made by filing with the Village Mayor a "notice of appeal." Said appeal shall be scheduled for a hearing before the Board of Zoning Appeals.

10. UNLICENSED AND JUNK MOTOR VEHICLES

A. Purpose

The accumulation and storage of unlicensed, abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles, on private property, which motor vehicles are in the nature of rubbish or unsightly debris, violates regulations of the Village and constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults, interfere with the comfort and well-being of the public and create, extend and aggravate urban blight, and that the public health, safety and general welfare require that such conditions be regulated, abated, and prohibited

B. Storage on Private Property

No person shall park, store or leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, for a period of five (5) calendar days upon any private property within the Village, unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of the business enterprise.

For the purposes of the section, a motor vehicle shall be deemed to be in wrecked or junk condition if any of the following apply:

1. The vehicle is extremely damaged, including but not limited to missing tires, wheels, motors, or transmission;
2. The vehicle is apparently inoperable;
3. The vehicle is unlicensed or
4. The vehicle is deemed to be detrimental to the aesthetics of the neighborhood.

11. Definitions

The following words or terms, when used herein, shall be deemed to have meaning set forth below:

- A. Abandoned vehicle:** the term "abandoned vehicle" shall include without limitation, any vehicle trailer, and or trailer coach which has remained on private property for a period of forty-eight (48) continuous hours or more without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked or which has not been removed as provided herein after notice that it is in violation of this Ordinance.
- B. Dismantled vehicle:** the term "dismantled vehicle" shall include dismantled and partially dismantled vehicle, trailer, or trailer coach from which some part which are ordinarily a component of such vehicle, trailer, or trailer coach, have been removed or is missing.

- C. Vehicle:** as used in this Ordinance, the term "vehicle" shall include but not be limited to mean any motor vehicle which is designed to be driven upon a public highway or any other place, including a lake pond or stream and which is self-propelled, or intended to be self-propelled, and which is otherwise known as a motor vehicle, car, automobile, motorcycle, all-terrain vehicle, or motorboat.
- D. Trailer Coach:** as used in this Ordinance, the term "trailer coach: shall include but not be limited to any house trailer, trailer home, house car, or similar vehicle used or so constructed as to permit it being used as a conveyance or to be conveyed upon the public streets or highways, licensed or able to be licensed as such, including any sled-propelled vehicle, so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling, a sleeping place, or a resting place for one or more person; and which shall include any part of such vehicle regardless of whether the wheels have been removed or the main body being supported on the ground by a foundation, blocks, jacks or other means of support.
- E. Trailer:** as used in this Ordinance, the term "trailer" shall include any structure upon which wheels are attached and which is intended to be towed or pulled behind a motor vehicle and which requires registration under the laws of the State of Ohio.
- F. Unused or Unusable vehicle, trailer, and/or trailer coach:** an unused or unusable vehicle trailer, or trailer coach includes, but is not limited to vehicles, trailers, or trailer coaches which, because of mechanical condition, structural integrity or missing parts thereon are inoperable or in violation of the Ohio Revised Code, the Codified ordinances of the Village of Waynesfield, Ohio, the Waynesfield Village Zoning Code or because of lack of insurance or registration by Ohio statues for public roadway use either of which is stored or parked for a period of thirty or more consecutive days, unused or unusable vehicle, trailer and/or coach shall include:
- 1) A vehicle or self-propelled trailer coach which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power; or,
 - 2) A vehicle, trailer or trailer coach which is eligible to be licensed for use upon the highways of the State of Ohio, and which is not licensed for a period in excess of (6) months; except unlicensed but operative motor vehicles which are kept as stock and trade of a regular licensed and established new or used car dealer, trailer dealer or trailer coach dealer or lessor thereof or vehicles, trailers or trailer coaches which are on the premises of a licensed junk dealer; or,
 - 3) A vehicle, trailer, or coach not eligible to be licensed for use upon the highways of the State of Ohio, but which is eligible to be registered under the laws of the State of Ohio which is not registered pursuant to the laws of the State of Ohio, whether or not such registration is mandatory.
- G. Removal Required**
 The accumulation and storage of one or more such motor vehicles in violation of the provisions of this section shall constitute rubbish and unsightly debris, and shall constitute a nuisance detrimental to the health, safety and general welfare of the inhabitants of the Village. It shall be mandatory.

the duty of the owner of such vehicle, and it shall be the duty of the person in charge or control of the private property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street.

H. Notice To Remove

Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Chief of Police, Mayor, or Property Maintenance Officer shall give or cause to be given, a written notice pursuant to the aforementioned Notice of Violation Section, to the registered owner of any motor vehicle which is in violation of this section, or to the owner or person in lawful possession or control of the private property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street.

I. Removal By Village

If the registered owner of any motor vehicle which is in violation of this section, or the owner or person in lawful possession or control of the private property upon which the same is located, fails, neglects, or refuses to remove or house such abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of this section, the Chief of Police or Mayor may remove and dispose of such motor vehicle.

Whoever is in violation of this section is guilty of abandoning motor vehicle, a minor misdemeanor, and in addition to any other penalty, shall be assessed any costs incurred by the municipality in disposing of such abandoned motor vehicle, less any money accruing to the municipality from the disposal.

J. Right Of Entry

The Chief of Police or Mayor, and any agent appointed by the mayor, and employee of such appointed agent, and authorized officer are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of the Ordinance. No person shall interfere, hinder, or refuse to allow them to enter upon private property for such purposes and to remove any motor vehicle in accordance with the provisions of the section. Any person to whom notice was given shall have the right to remove or house such motor vehicle in accordance with such notice at his own expense at any time prior to the arrival of the Chief of Police or Mayor, for the purpose of removal.

K. Penalty

Whoever violates this section is guilty of a minor misdemeanor, punishable by a fine of up to \$150. There is no jail time for a minor misdemeanor.

Each day on which a violation occurs or continues shall be deemed a separate violation, the second violation invokes a fourth-degree misdemeanor with a fine up to \$250 and possible 30 days in jail.

SECTION 460 Dangerous Buildings

1. DEFINITION

The term "**dangerous buildings**", as used in this chapter, is hereby defined to mean and include:

- A. Any building, shed, fence or other manmade structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of a disease or injury to the health of the occupants of such structure or neighboring structures;
- B. Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper repair or other cause, is especially liable to fire and constitutes or creates a fire hazard;
- C. Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper repair or other cause, constitutes or creates a safety hazard;
- D. Any building, shed, fence or other manmade structure whose interior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- E. Any building, shed, fence or other manmade structure which has been so damaged by fire, wind or other cause as to be dangerous to the life, safety, morals or general health and welfare of the residents of the Village;
- F. Any building, shed, fence or other manmade structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by the collapse or fall of any part of such structure; and
- G. Any building, shed, fence or other manmade structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

2. DECLARATION OF NUISANCE

All dangerous buildings, as defined in Section 460, are hereby declared to be public nuisances.

3. RESPONSIBILITY OF OWNERS, OCCUPANTS AND CUSTODIANS

No person shall maintain or permit the existence of any dangerous building in the Village. No owners, occupant or person in custody of any dangerous building shall permit the same to remain in a dangerous condition or occupy such building or permit it to be occupied which is or remains in a dangerous condition.

4. ORDERS TO REPAIR OR RAZE

Whenever the Village Administrator or his designated representative(s) is of the opinion that any building or structure in the Village is a dangerous building, such official shall thereupon cause a written order to be served upon the owner thereof, upon the occupant thereof, and upon the holder of any

encumbrance of record, to repair and make safe said building or to raze and remove said building, at the owner's option. Any repairs shall be made in accordance with the requirements of any applicable law of the State or ordinance of the Village.

5. CONTENTS AND SERVICE OF ORDERS

Any order for the repair or razing of the structure as herein set forth shall specify a time period within which the owner shall comply therewith, which period shall not be less than thirty (30) days and shall specify the needed repairs. Said order shall be served upon the owner of record and upon the holder of any encumbrance of record upon such real estate in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of a building and by publishing it once a week for successive weeks in a newspaper authorized to provide service by publication.

6. APPEAL OF ORDER

Any interested person may appeal an order to repair or raze to the Board of Building Appeals.

7. NONCOMPLIANCE WITH ORDER; REMEDY OF VILLAGE

Whenever the owner of a property fails to comply with a repair or demolition order within the time prescribed, the Village may cause the structure or part thereof to be repaired or razed and removed, either through an available public agency or contract or arrangement with private persons, and the total cost of such repair or razing and removal shall be charged against the real estate upon which the structure is located, in accordance with Ohio Revised Code 715.26, and shall be a lien upon such real estate.

8. BOARD OF BUILDING APPEALS

The members of the Waynesfield Planning Commission as established by Section 713.01 of the Ohio Revised Code, other than the Mayor and the Village Administrator, shall be designated as the Board of Building Appeals for the purposes of appeals under this chapter. When acting as the Board of Building Appeals, a majority of the members of such Board shall constitute a quorum. No member of the Board shall vote upon any question of which he or she has a financial or personal interest, either directly or indirectly. Members of the Board shall serve without pay.

9. MEETINGS, RECORDS AND PROCEDURE

- A. Meetings of the Board of Building Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or the absence or failure to vote of each member upon every question, and shall also keep records of its examinations and other official actions. Such minutes and records shall be public records.
- B. The Board shall establish rules and regulations of its own procedure which are consistent with the provisions of this chapter. Board members shall, annually, by majority vote, select one of their number to serve as Chairperson and until their successors are elected and qualified.

10. POWERS

The Board of Building Appeals shall have the power, subject to limitations and in a manner set forth in this Building Code, to:

- A. Affirm or reverse in whole or in part, or modify, any decision of the Village Administrator or his or her designee in interpreting the provisions of this chapter;
- B. Vary the application of any provisions of this chapter to any particular case when, in its opinion, enforcement thereof would be manifest injustice and/or would be contrary to the spirit and the purpose of this chapter or the public interest;
- C. Determine any requirement for the strength or stability of an existing building or structure, or for the safety or health of the occupants thereof, not specifically covered by this chapter or not readily interpretable from the provisions of this chapter.

11. APPEALS

- A. Any person aggrieved by an action of the Village Administrator or his or her designee, may take an appeal to the Board of Building Appeals.
- B. An appeal shall be made within ten (10) days from the date of the decision appealed by filing with the Village Administrator or his or her designee and with the Board a notice of appeal, specifying the grounds therefore, and by paying a fee equal to the cost of a building permit as set by the Village Council, with the Village Administrator or his/her designee. The Village Administrator or his/her designee shall forthwith transmit to the Board all the papers pertaining to the decision from which the appeal was made. Any expense of the Board in evaluating the merits of an appeal shall be borne by the appellant.
- C. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and at least ten (10) days notice to the parties of interest, and decide upon the appeal within a reasonable time after it is submitted. At the hearing, any party may appear in person, or by his or her agent or attorney.
- D. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed with the office of the Village Administrator or his or her designee and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party, and a copy shall be kept publicly posted in the office of the Village Administrator or his or her designee for two (2) weeks after filing.
- E. The Board, after a public hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, enforcement thereof would be manifest injustice and/or would be contrary to the spirit and purpose of this chapter or the public interest, or when, in its opinion, the interpretation of the Village Administrator or his or her designee should be modified or reversed. A decision of the Board to vary the application of any provision of this chapter or to modify an order of the Village Administrator or his or her designee shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons there for.

- F. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Village Administrator or his or her designee, or varies the application of any provision of this chapter, the Village Administrator or his or her designee shall take action immediately in accordance with such decision.

SECTION 480 Administration and Enforcement

- G. Any person aggrieved by a decision of the Board, whether or not such person is a previous party to the decision, or any Municipal Officer or official board of the Village, may apply to the appropriate court, in accordance with law.
1. There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the provisions hereof. The Zoning Inspector shall issue all zoning and building permits.
 2. Every request for a building, zoning, or location application/permit shall be accompanied by a fee which is set by the Village Council. Every application for a building and zoning permit, conditionally permitted use or variance shall be accompanied by a scale drawing in duplicate showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the location, size, and height of any building or structure to be erected or altered; the existing or intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner, when such plans have been approved by the Zoning Inspector, together with such building and zoning permit as may be granted.
 3. The Zoning Inspector shall act upon all applications on which he/she is authorized to act by the provisions of this Ordinance within five (5) days after these are filed in compliance with all the applicable requirements. He/she shall either issue a Building and Zoning Permit within five (5) days or shall notify the applicant in writing of his/her refusal of such permit and the reasons, therefore. Failure to so notify the applicant in case of such refusal within five (5) days shall entitle the applicant to submit his/her request to the Board of Zoning Appeals

SECTION 500 Board of Zoning Appeals

1. The Board shall consist of five (3) members, ***The Zoning/Planning Commission shall act as the Board of Zoning Appeals. Members shall be appointed as detailed in ORC 713.01*** appointed by the Mayor and approved by the Village Council, for terms of five (5) years. Vacancies shall be filled in the same manner for the unexpired term. Members currently serving per Ordinance O-2004-12-02 may continue to serve their unexpired terms under this Ordinance O-2007-06-02. The members of the Board shall serve at such compensation as may be fixed by ordinance.

2. The Board shall adopt rules and regulations consistent with this Ordinance. Regular meetings of the Board shall be held at such times as the Board may determine and shall be specified in the rules and regulations of the Board. The mayor shall appoint a council member, who shall act as chairperson of the board. The chairperson shall act as secretary unless one is appointed by the board. Special meetings may be called by the chairperson or, in their absence by the vice-chairman. There shall be a fixed place of meeting and all meetings shall be open to the public.
 - A The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all its official actions, all of which shall be filed promptly in the office of the mayor and shall be a public record. The presence of two (2) members shall constitute a quorum. The concurring vote of two (2) members of said Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector or the Planning Commission. The Board shall act by Resolution, and a copy of each Resolution duly adopted shall be filed in the office of the mayor.
3. The Board shall act in strict accordance with the procedures specified by this Section. All appeals made to the Board shall be in writing and shall be filed with the chairperson at least fourteen (14) days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provision of the Ordinance involved and shall set forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the land involved, or the details of the variance that is applied for and the grounds upon which it is claimed that the variance should be granted, as the case may be.
 - A An appeal to the Board may be taken by any property owner or tenant, other person aggrieved, or by a governmental officer, department, board, or bureau affected. Such appeal, in a form approved by the Board, shall be filed within twenty (20) days after the decision of the Zoning Inspector. The appeal shall be filed with the Zoning Inspector, who will transmit the same, together with all the scale plot drawings, plans, specifications, and other papers pertaining to the appeal, to the chairperson of the Board of Appeals.
 - B When an appeal has been filed in proper form and with the required data, the chairperson of the Board will send notices stating the time, place and object of the hearing. Such notices shall be served personally or by mail, at least ten (10) days prior to the date of such hearing, upon the appellant, to all adjoining property owners, and to such persons as the Board may specify in its rules and regulations. The Village Fiscal Officer at the direction of the chairperson shall also publish one or more notices of such hearing in accordance to Resolution 23-6-2 in the Village of Waynesfield at least ten (10) days prior to the public hearing. Any party may appear at such hearings in person or by agent or attorney.
 - C The Board shall decide all appeals within sixty (60) days after completion of hearing. Such decision shall be binding upon the Zoning Inspector. The terms and conditions of the decisions by the Board shall be incorporated into any permit, whenever a permit is so authorized.

- D An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeal shall have been filed with him that by reason of facts stated in the appeal, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board after notice to the Zoning Inspector, or by judicial proceedings.
4. Upon appeal from a decision by the Zoning Inspector, the Board will have the power to decide any question involving the interpretation of Zoning text or Map, as follows:
- A In case there is a question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any request, the Board may obtain the opinion of the Village Solicitor thereon.
- B Where the street or lot layout on the ground or as recorded, differs from the street and lot lines as shown on the *Zoning Map, a property survey maybe conducted by the property owner at the property owner's expense to determine the location of the street or lot layout on the ground*~~Lot lines or layout lines indicated on the Zoning map are general representations and are in no way actual determinations of said lines.~~
5. The Board may hear and decide, in accordance with the provisions of this Ordinance, applications for conditionally permitted uses. In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures and the consistency herewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. Upon authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this Ordinance for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and public interest.
6. The Board shall have the power to authorize variances from the provisions or requirements of this Ordinance in accordance with the following:
- A **Variance:** On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable lot size, bulk, and parking requirements of the Zoning Regulations unreasonable; and therefore, the procedure for variance from these requirements is to provide the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted. No variance shall be granted unless the Board of Zoning Appeals finds that all the following conditions exist:
1. The special circumstances applying to the building or land in question are peculiar to such lot or property and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.

2. That granting the variance requested will not confer on the applicant any special privilege that is denied by these Zoning Regulations to other lands or structures in the same Zoning District, unless the variance request meets the "special circumstances" of previous variance item (1).
3. That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity.

B Application: Two (2) copies of a provided application accompanied by a copy of the denied Building Permit and a statement of the reason for denial shall be filed with the Zoning Inspector not more than twenty (20) days from the date such denial of the Building Permit is issued. The application shall include the following:

1. Every request for a variance shall be accompanied by a \$40.00 fee.
2. The nature of the variance, including the specific provisions of the Zoning Regulations upon which the variance is requested.
3. A legal description of the property.
4. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
5. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
6. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
7. Three (3) copies of a plot plan drawn to an appropriate scale showing the following:
 - a. The boundaries and dimensions of the lot.
 - b. The nature of the special conditions or circumstances giving rise to the application for approval.
 - 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 lot size, bulk, and parking requirements.

e. The use of land and location of structures on adjacent property.

8. Such other information regarding the application for appeal, may be pertinent or required for appropriate action by the Board of Zoning Appeals.

C **Board of Zoning Appeals' Action:** The Board of Zoning Appeals shall hold a public hearing and either approve or deny the application for a variance based on the criteria stated in these Regulations. The Board of Zoning Appeals shall submit a written record of the reasons for its action to the applicant upon request.

D Every permit or variation of the application of the literal provisions of this Ordinance, allowed or granted, as provided in this Section, shall expire and be of no force or effect after the expiration of six (6) months from the date thereof, unless the beneficiary of such variation or permit shall have actually, within said period, put the subject property to the purpose for which such variation or permit use shall have been granted or allowed.

SECTION 520 Amendments

Procedure for Amendment or District Changes.

This Ordinance may be amended utilizing the procedures specified in Articles 1 - 12 of this section, inclusive of this Ordinance.

1. **General:** Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provide by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.
2. **Initiation of Zoning Amendments:** Amendments to this Ordinance may be initiated in one of the following ways:
 - A. By the adoption of a motion by the Planning Commission/Zoning Board of Appeals;
 - B. By the adoption of a resolution by Village Council;
 - C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.
3. **Contents of Application For Zoning Map Amendment:** Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information:
 - A. The name, address, and phone number of the applicant;
 - B. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
 - C. A statement of the reason(s) for the proposed amendment;
 - D. Present use;

- E. Present zoning district;
 - F. Proposed use;
 - G. Proposed zoning district;
 - H. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
 - I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street or alley from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Addresses need not be included where more than ten (10) parcels are to be rezoned;
 - J. A statement of the ways in which the proposed amendment relates to the comprehensive plan;
 - K. A fee as established by the Village Council.
4. **Contents of Application For Zoning Text Amendment:** Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:
- A. The name, address, and phone number of the applicant;
 - B. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
 - C. A statement of the reason(s) for the proposed amendment;
 - D. A statement explaining the ways in which the proposed amendment related to the comprehensive plan;
 - E. A fee as established by the Village Council.
5. **Transmittal to Planning Commission:** Immediately after the adoption of a resolution by the Village Council, or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.
6. **Recommendation by Planning Commission:** Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

7. **Public Hearing by Village Council:** Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than sixty (60) days from the receipt of the recommendation from the Planning Commission.
8. **Notice of Public Hearing in Newspaper:** Notice of the public hearing shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
9. **Notice to Property Owners by Village Council:** If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street or alley from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.
10. **Action by Village Council:** Within thirty (30) days after the required public hearing, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three (3) different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.
11. **Effective Date and Referendum:** Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.
12. **Annexation:** All land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous County or Township zoning district regulation until such time as the Official Zoning Map is amended according to the provisions of this Section. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain un-zoned until the Official Zoning Map is amended according to the provisions of this Section.

SECTION 540 Essential Services

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or public facility shall be permitted in any District provided every effort is made to conform to the building design; lot and yard requirements for the District in which it is to be located; and proper safeguards are provided to protect the character and general welfare of this district. A special permit from the Zoning Inspector will be required to assure compliance with this Zoning Ordinance.

SECTION 560 Definitions

Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupied" includes the word "designed" or "intended to be occupied"; the word "used" includes the words "arranged", "designed", or "intended to be used"; the word "shall" is mandatory and not discretionary. Whenever the term "Ordinance" appears or shall appear, it shall be interpreted to mean and to refer to the Zoning Ordinance of the Village of Waynesfield, inclusive of all amendments and supplemental sections which have been or may be added thereto.

Accessory Building:	(see Building, Accessory).
Accessory Use of Structure:	A use of a structure subordinate to the principal use of a building and serving a purpose customarily incidental to the use of the principal building.
Adult Book/Video Store:	A facility, in which at least ten percent (10%) of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "specified sexual activities" or "specified anatomical areas". A facility meeting this definition shall be regulated as a commercial entertainment facility
Adult Entertainment Business:	Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "specified sexual activities".
Adult Entertainment Facility:	A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "adult book/video store", "adult entertainment theater", or "adult entertainment business".
Adult Entertainment Theater:	A commercial entertainment facility used to a substantial extent for presenting material distinguished or characterized by all items listed in "specified sexual activities" or "specified anatomical areas".
Alley:	A public right of way, primarily for vehicular access to the back or side of properties. An alley should never be construed as a street.
Alterations, Structural:	Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.
Apartment:	Two (2) or more rooms, designed for, arranged for intended for, or occupied as a residence by one (1) family.
Apartment House:	Any building housing three (3) or more apartment units providing said units are the principal use of the building
Billboard:	Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.
Board:	The Board of Zoning Appeals of the Village of Waynesfield, Ohio
Boarding House, Rooming House, Lodging House or Dormitory:	A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more persons and where no cooking or dining facilities are provided in individual rooms
Building:	Any permanent or movable structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. At no time shall this definition be construed to include mobile homes.
Building Permit:	(See Permit, Building, Zoning & Location)
Building, Accessory	An accessory building is a subordinate building which is customarily incidental to and located on the same lot as the principal building in the zoning district. The building may be separate from the principal building or attached (e.g., attached garage) to the principal building. See Section 420 footnote (D) for required setbacks pertaining to garage entrances.

Building, Height of:	The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.
Building, Principal:	The building in which the main or chief use permitted on the zoned lot is conducted.
Condominium:	A building or group of buildings, in which each family dwelling unit is individually owned and occupied by the owner; but, the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.
Corner Lot:	(see Lot, Corner)
Coverage:	The percentage of the lot area which is covered by any building or part thereof.
Dwelling:	Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, recreational vehicle, mobile home, tree house, children's playhouse or a room in a hotel or motel.
Dwelling Unit:	One (1) room, or a suite, or two (2) or more rooms designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
Dwelling, Detached:	A building having no party wall in common with another building
Dwelling, Multi-Family:	A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
Dwelling, Rear:	A second dwelling on a lot, located to the rear of the principal building.
Dwelling, Single-Family	A building designed for or used for residence purposes by one (1) family or housekeeping unit.
Dwelling, Two-Family:	A building designed for or used by two (2) families or housekeeping units.
Family:	A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel or hotel.
Filling Station:	Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing greasing and serving motor vehicles.
Floor Area:	The total horizontal floor area (square feet) of all areas suitable for year-round living inclusive of exterior and interior wall thickness. Floor area <u>shall not</u> include cellars, basements; elevator and stair bulkheads; attic space; terraces; breezeways; patios; open porches; enclosed unheated porches; entrance steps; garages. Measurements of the floor area shall be taken to the outside of the exterior foundation.
Front Entrance:	A required entrance to each individual dwelling unit from the "Front Lot Line".
Garage, Private:	A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property
Garage, Public:	A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, renting, selling or storing vehicles, or similar equipment.
Height of Building:	(see Building, Height of)

Home Occupation:	<p>An occupation conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in such occupation; The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation; 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 two (2) square feet in area, non-illuminated, and mounted on the wall of the principal building; There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises, no display of products may be visible from the street; 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 be met off the street and other than in a required front yard; No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.</p> <p>All home occupation individuals shall be registered for Waynesfield Village Income Tax.</p>
Enclosures	(See Temporary Building Structures)
Hotel:	A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.
Junk Yard:	A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operation
Living Area:	(See Floor Area)
Lot:	A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance and having frontage on a public street.
Lot Area:	The computed area (square feet) contained within the lot lines.
Lot Depth:	The mean horizontal distance between the front and the rear lot lines.
Lot Lines:	The property lines bounding the lot.
Lot Line, Front:	The line separating the lot from the street.
Lot Line, Rear:	The lot line opposite and most distant from the front lot line.

Lot Line, Side:	Any lot other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
Lot Size:	(See Lot Area)
Lot Width	The width of the lot measured at the building setback line.
Lot, Corner:	A lot at the juncture of and fronting on two (2) or more intersecting streets
Mobile Home:	A dwelling unit designed for transportation after fabrication; and upon arrival at a site and after location on wheels, jacks, or permanent foundation, and connection of utilities is ready to be occupied as a dwelling unit without any additional assembly other than minor non-structural components. As specified in this Ordinance, mobile homes <u>are prohibited</u> in all zoning districts within the Village of Waynesfield. This description is not intended to include recreational vehicles.
Modular Home	A single or two-family modular dwelling unit, designed for transportation after fabrication on streets, highways, land, air, or water; each section of the module containing "floor area" as defined by this Ordinance; and, upon arrival at the site it is final assembled, located on a Permanent Foundation, permanently connected to Village utilities, and occupied as a dwelling unit.
Motel or Tourist Court:	A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
Nonconforming Use:	A building, structure or premises legally existing or used at the time of adoption of this Ordinance, and which does not conform with the use regulations prescribed by this Ordinance for the district in which located.
Off Street Parking:	(See Parking Space)
Parking Space:	The area required for parking one (1) automobile, which in this Ordinance is held to be an area no less than ten (10) feet wide and twenty (20) feet long, either within a structure or in the open, exclusive of driveways or access drives, each space having direct access to a street or alley. (See the diagram in Section 260.5a for additional explanation)
Permanent Foundation	Masonry or concrete wall on a poured concrete footer; or a four (4) inch thick concrete slab with a minimum twelve (12) inch deep x six (6) inch wide perimeter, the entire slab being poured as a single unit.
Permit, Building, Zoning & Location:	A permit issued by the Zoning Inspector for the construction alteration or location of any building structure.
Property Maintenance Officer	Police Chief of the Village of Waynesfield
Recreational Vehicle (RV):	A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a truck or automobile, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use
Residence:	(See Dwelling Unit)

Setback Line:	The closest point at which a building may be constructed in relation to the lot lines with the following exclusions; (a) a thirty (30) inch maximum roof overhang (gable extension or eave) including any drain spouting; (b) non enclosed steps, porch or patio leading to a building entrance (non-enclosed meaning: no roof over the steps, porch or patio).
Specified Anatomical Areas:	Areas of the human body as follows: (a) Human genitals, pubic region, buttock, and the areola area of the female breasts which are less than completely or opaquely covered; (b) Human male genitals in a discernible turgid state, even if completely or opaquely covered.
Story:	The portion of a building included between the surface of any floor and the surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it
Structure:	Anything constructed, the use of which requires location on the ground or attachment to something having a location on the ground.
Swimming Pool	A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.
Temporary Building Structure:	Any moveable, membrane type enclosure intended to provide temporary shelter or protection from the elements for stored materials, vehicles or other items. This would include structures covered with fabric, tarp, plastic, light weight sheet metal or similar light weight material, supported by metal, fiber glass, wood or similar frameworks, whether on a temporary or permanent foundation, or no foundation at all. A structure not designed to be incorporated into the architectural appearance of an existing permanent building on the same lot. These structures are typically not aesthetically nor architecturally compatible with surrounding buildings and other building features. Such temporary enclosures are to be considered structures under this Ordinance, and as such are governed by the same setback requirements as an accessory building governed by this Ordinance. The Waynesfield Zoning Inspector shall determine whether a proposed structure is subject to this definition and any regulations relating thereto. In this Ordinance, "temporary building structure" shall be referred to as "enclosure(s)".
Variance:	A variation from a strict interpretation of the terms of this Ordinance, owing to peculiar conditions or circumstances which apply only to the property in question, and no other. As used in this Ordinance, a variance is authorized only for height, area, yard, or setback requirements.
Yard	An open space at grade between the edges of a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
Yard, Front:	An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided.

Yard, Rear:	An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
Yard, Side	An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as otherwise provide herein.
Zoning Inspector:	The person authorized to issue building, zoning and location application/permits and to enforce the zoning ordinance of the Village of Waynesfield, Ohio, as designated by the mayor and approved by a majority vote of Council. The Zoning Inspector may be removed without cause by the mayor with the consent of a majority of the Council; or may be removed without cause by the affirmative vote of three-fourths (3/4) of the members elected to the Council without the consent of the Mayor

SECTION 580 Penalty for Violation

Any person, partnership, company, corporation, or any other entity of any kind or combination of persons of any kind not complying with this Ordinance or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved there under, shall for each and every violation or non-compliance be guilty of a misdemeanor, and upon conviction thereof shall be fined \$50.00 per day for the first thirty (30) days, and \$100.00 per day for each day thereafter, and each day shall be considered a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall each be guilty of a separate offense and upon conviction thereof shall be fined or imprisoned as herein provided.

SECTION 600 Invalidity of a Part

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 620 Repeal of Existing Ordinances

All ordinances or parts of ordinances inconsistent with or in conflict with this Zoning Ordinance, and all additions and amendments thereto are hereby repealed by the adoption of this Ordinance.

SECTION 640 Date of Effect

This emergency Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health and safety of said Village; and for the further reason that the immediate passage of said Ordinance is necessary to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; wherefore, this Ordinance shall be in full force and take effect from and after the earliest period allowed by law.

Passed (Insert Date passed)

ATTEST:

Sarah Montgomery
Village Fiscal Officer

Rodney Luma
Mayor

Jeffery Williams
Village Solicitor

AFFIDAVIT OF POSTING

STATE OF OHIO, COUNTY OF AUGLAIZE:

I, Sarah Montgomery, Village Clerk/Treasurer, Village of Waynesfield, Ohio, being first duly sworn, depose and say that on the ____ day of _____, 2023, I posted Ordinance (Insert Ordinance Number) as provided.

Sarah Montgomery
Fiscal Officer

Sworn in my presence this ____ day of _____, 2023.

Notary Public

SECTION 660: FORMS/APPENDIX

APPENDIX A: FEE STRUCTURE

Form	Cost
Application for Building Permit	Determined by Village Council
Building Permit	Determined by Village Council
Denial of Building Permit	Determined by Village Council
Building Permit	Determined by Village Council
Revocation of Building Permit (Stop Work Order)	Determined by Village Council
Application For Zoning District Amendment/Change	Determined by Village Council
Application for Zoning Variance	Determined by Village Council
Notice of Appeal	Determined by Village Council

Appendix B: Zoning Map

Appendix C: Forms

Application for Building Permit
Building Permit
Denial of Building Permit
Building Permit
Revocation of Building Permit (Stop Work Order)
Application For Zoning District Amendment
Application for Zoning Variance
Notice of Appeal
Completed by property owner to appeal any decision by Zoning Inspector