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# Payne Village

## ZONING ORDINANCE

2007-8

Paulding County, Ohio

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ARTICLE 100

TITLE, INTERPRETATION, AND ENACTMENT

SECTION 100 *Preamble (Purpose)*

An Ordinance of the Village of Payne, Ohio, enacted in accordance with a Comprehensive Plan and the Provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof,

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:

(Ordinance No. 2005-4 Passed 07/26/05)

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:  
Council repealed Ord. 2005-4 and adopted Amended Ord. 2007-8.

(Ordinance No. 2007-8 Passed 07/23/07)

SECTION 101 *Title.*

This ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Payne, Ohio".

SECTION 102 *Provisions of Ordinance Declared to be Minimum Requirements.*

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this zoning code are at variance or conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 103 *Separability Clause.*

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 104 *Repeal of Conflicting Ordinance, Effective Date.*

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.



ARTICLE 200

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 201 *Official Zoning Map*

The districts established in Article 300 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this zoning code ordinance. All the notations, references and other information shown there on are a part of this zoning code and have the same force and effect as the District Map and all notations, references and other information shown thereon were fully set forth or described herein. The original District Map is properly attested and is on file in the office of the Village of Payne, 131 N. Main Street, Payne, OH 45880.

SECTION 202 *Identification of the Official Zoning Map.*

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village, Ordinance No. and date passed, and any revisions showing Ordinance No. and date passed.

SECTION 203 *Interpretation of District Boundaries.*

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

The district boundary lines on the District Map are intended to follow either center lines of streets, alleys or lot lines.

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.





ARTICLE 300

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 301

INTENT: The following zoning districts are hereby established for the Village of Payne, Ohio:

A-1 Agricultural District

R-1 Single Family District

R-2 Single Family District - Restrictive

R-3 Single Family District - (Mobile Home Parks)

R-4 Multiple Family District

B-1 Business District

I-1 Industrial District

For the interpretation of this ordinance the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance and the specific purposes of each zoning district as stated herein.



SECTION 310

AGRICULTURAL DISTRICT

INTENT: To preserve agricultural lands for continued cultivation and general farming purposes.

SECTION 310.01 *Permitted Uses.*

- (a) Single Family Dwelling
- (b) Agriculture Forestry
- (c) Public Uses
- (d) Roadside produce or farm product stands
- (e) Essential Services
- (f) Public Service Facility
- (g) Plant cultivation
- (h) Non-commercial recreational
- (i) Facilities

SECTION 310.02 *Conditional Uses*

- (a) Specialized animal raising and care
- (b) Commercial billboards
- (c) Dwelling for seasonal employees

SECTION 310.03 *Accessory Uses*

- (a) Barns, silos, windmills, and similar structures or facilities customary and incidental to farming operations.

SECTION 310.04 *Yard Requirements*

- (a) Front Yard: The minimum front yard setback for single family dwelling or other structure shall be 30 feet from the right-of-way line of the Street.
- (b) No yard setbacks shall be required beyond the public right-of-way line for crop cultivation.
- (c) Fences:
  - 1 Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
  - 2 All types of fence shall have a finished appearance on the outside.
  - 3 The following types of fences shall be prohibited; non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
  - 4 Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Section 910 and 911).
  - 5 Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line. (See Section 910 and 911).
  - 6 Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.

7 Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

SECTION 310.05 *Height*

The height of structures shall not be regulated.

SECTION 320

SINGLE FAMILY DISTRICT

INTENT: To preserve, protect and enhance the qualities, integrity and desirability of homogeneous single family dwelling units.

SECTION 320.01 *Permitted Uses*

- a) Single family detached dwelling units
- b) Public uses, plant cultivation, essential services.
- c) Church

SECTION 320.02 *Conditional Uses*

- a) Hospitals
- b) Nursing homes
- c) Public utility substations & transmission facilities
- d) Home Occupations
- e) Resident Office Space
- f) Mobile Homes - will be permitted at the determination of the Board of Zoning Appeals and if it meets all of the following criteria:
  - 1. Existing lot presently has a mobile home on it and the intent is to replace it.
  - 2. Mobile home that is to be moved onto a lot is not to be more than five years old, and time between removal of existing mobile home and placement of newer mobile home is completed within 30 days.
- g) Nursery school
- h) Child care center
- i) Two-family dwelling
- j) Zero lot line group homes

SECTION 320.03 Accessory Uses

- a) Garages
- b) Greenhouses
- c) Accessory Buildings

SECTION 320.04 *Yard Requirements*

- a) Front Yard: The minimum front yard set back shall be 30 ft. from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes.
- b) Side Yards: Side yard setbacks shall be ten (10) feet, from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes.
- c) Rear Yard: The rear yard set back shall be ten (10) feet, from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes..
  - 1) Replacement structure not to exceed existing setbacks of side, rear and front yard setbacks.
- d) Height: No building shall be constructed in excess of 2-1/2 stories or 35 ft. in height.
- e) Foundation: No building shall be placed or constructed containing more than 144 sq. ft. without a permanent foundation.
- f) Fences:
  - 1 Every property owner upon whose property a fence has been erected must

maintain said fence in good condition at all times and, where applicable, keep said fence painted.

- 2 All types of fence shall have a finished appearance on the outside.
- 3 The following types of fences shall be prohibited; barbed wire, non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
- 4 Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet, (See Section 910 & 911).
- 5 Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line, (See Section 910 & 911).
- 6 Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
- 7 Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

g) Parking/Garages/Vehicles (Off Street right-of-way Public or Private)

- 1) A minimum of two off street parking spaces shall be provided, for each dwelling unit.
- 2) No parking on boulevards/tree lawns.
- 3) Garages shall meet all buildings set back requirements.
- 4) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear/side yard if they have a current license.
- 5) Net Density: The maximum density permitted shall be 4 dwelling units/acre.

SECTION 320.05 *Garbage and refuse storage*

Garbage and refuse storage within each single family district. The storage of garbage shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly tight, rodent proof containers and be placed at designated pick up points for no more than 24 hours prior to pickup.

SECTION 320.06 *Prohibited Uses*

- a) Uses as determined by the Board of Zoning Appeals to be hazardous and or detrimental to the surrounding properties.
- b) Mobile Homes except as stated in Section 320.02 (f).

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:

(Ordinance No. 2006-3 Passed 10/09/06)

SECTION 325

SINGLE FAMILY DISTRICT - RESTRICTIVE

INTENT: To preserve, protect and enhance the qualities, integrity and desirability of homogeneous single family dwelling units which are unique in their design, location or age.

SECTION 325.01 *Permitted Uses*

- a) Single family detached dwelling units greater than 1,500 square feet.
- b) Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.
- c) Church

SECTION 325.02 *Conditional Uses*

- a) Hospitals
- b) Nursing homes
- c) Public utility substations & transmission facilities
- d) Home Occupations
- e) Resident Office Space

SECTION 325.03 Accessory Uses

- a) Garages which conform to the existing architecture on the lot.
- b) Greenhouses
- c) Accessory Buildings which conform to the existing architecture on the lot.

SECTION 325.04 *Yard Requirements*

- a) Front Yard: The minimum front yard set back shall be 30 ft. from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes.
- b) Side Yards: Side yard set backs shall be ten (10) feet, from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes.
- c) Rear Yard: The rear yard set back shall be ten (10) feet, from the right-of-way line of the street or comparable to setbacks of preexisting adjacent homes..
  - 1) Replacement structure not to exceed existing setbacks of side, rear and front yard setbacks.
- d) Fences:
  - 1) Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
  - 2) All types of fence shall have a finished appearance on the outside.
  - 3) The following types of fences shall be prohibited; barbed wire, non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
  - 4) Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Sections 910 & 911).



- 5) Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line.
  - 6) Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
  - 7) Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.
- e) Height: No building shall be constructed in excess of 2-1/2 stories or 35 ft. in height.
- f) Foundation: No building shall be placed or constructed containing more than 144 sq. ft. without a permanent foundation.
- g) Parking/Garages/Vehicles
- 1) A minimum of two off street parking spaces shall be provided for each dwelling unit.
  - 2) No parking on boulevards/tree lawns.
  - 3) Garages shall meet all buildings set back requirements.
  - 4) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear/side yard if they have a current license.
  - 5) Net Density: The maximum density permitted shall be 4 dwelling units/acre.

SECTION 325.05 *Garbage and refuse storage*

Garbage and refuse storage within each single family district. The storage of garbage shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in insect tight, rodent proof containers and be placed at designated pick up points for no more than 24 hours prior to pickup.

SECTION 325.06 *Prohibited Uses*

- a) Uses as determined by the Board of Zoning Appeals to be hazardous and or detrimental to the surrounding properties.
- b) Mobile Homes except as stated in Section 320.02 (f).

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:

(Ordinance No. 2005-8 Passed 01/09/06)

SECTION 330

SINGLE FAMILY DISTRICT - ALTERNATE

INTENT:

It is the intent of this article to regulate the location of mobile homes, and to encourage, stabilize, and protect the development of well planned mobile home parks.

SECTION 330.01

*Permitted Uses.*

- a) Single family detached dwelling units
- b) Mobile Homes
- c) Management office
- d) Public Uses
- e) Essential Services
- f) Accessory Uses
- g) Similar public uses.

SECTION 330.02

*Approval Procedures.*

Mobile home parks may be located only in R-3 districts, containing a minimum of 10 acres.

For mobile home parks, the requirements of Sections 330 and 340 of this ordinance shall govern. Procedure for approval of mobile home parks shall follow the procedure as specified in Sections 330, inclusive.

SECTION 330.03

*General Standards for Mobile Home Parks.*

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

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
4. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
5. Will be consistent with the intent and purpose of this ordinance and the comprehensive plan;

6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
7. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and
8. Will meet all the requirements of the Ohio Revised Code and Sanitary Codes.
9. A mobile home that is to be moved onto a lot or to replace an existing mobile home with, shall not be older than (ten) 10 years in age.

SECTION 330.04

*Contents of Application.*

A written application shall be filed with the Chairman of the Commission. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Present use;
4. Present zoning district;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the comprehensive plan;
7. A plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off or on street parking; buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary; and
8. The fees as established by the Village or Village Council.

SECTION 330.05

*Mobile Home Park Requirements*

Mobile home parks shall meet the requirements of Section 330, inclusive.

SECTION 330.06

*Park Size.*

A mobile home park shall contain a minimum of ten (10) acres.

SECTION 330.07

*Density.*

The maximum density shall not exceed six (6) mobile homes per net acre.

SECTION 330.08 *Width and Depth.*

The minimum width of the mobile home development shall not be less than two hundred fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).

SECTION 330.09 *Yards.*

All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, nor closer than twenty (20) feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

a) Fences:

- 1) Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
- 2) All types of fence shall have a finished appearance on the outside.
- 3) The following types of fences shall be prohibited; barbed wire, non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
- 4) Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Section 910 & 911).
- 5) Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line.(See Section 910 & 911).
- 6) Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
- 7) Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

SECTION 330.10 *Access.*

All mobile home parks should have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. All mobile home parks shall have a minimum of two main entrances.

SECTION 330.11 *Streets.*

The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development. All streets shall be paved and curbs and gutters shall be installed. The pavement width of all streets shall not be less than thirty five (35) feet. The design and construction of the interior street system shall conform to the requirements of the Village engineer. Parking on interior streets shall be permitted on one side only and no parking allowed within 35 feet of intersecting streets. Street width shall be measured from back of curb to back of curb.

SECTION 330.12

*Walkways.*

All mobile home parks shall have paved (concrete) pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Commission and may vary relative to location, intensity of use, and location of recreational areas and service buildings, a minimum of both sides of interior streets.

SECTION 330.13

*Recreation and open Space.*

At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this ordinance. A clustering of units is encouraged.

SECTION 330.14

*Buffering and Screening.*

The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of plants shall be approved by the Commission and Board. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the ordinance are met.

SECTION 330.15

*Mobile Home Lot Requirements.*

Individual mobile home lots within mobile home parks shall conform to the requirements of Sections 330.16 to 330.27 inclusive of this ordinance.

SECTION 330.16

*Lot Size.*

Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet.

SECTION 330.17

*Lot Width and Depth.*

The minimum width of each mobile home lot shall be forty (40) feet and the minimum depth of each lot shall be one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet.

SECTION 330.18

*Clearance.*

There shall be a minimum clearance of twenty (20) feet between individual mobile homes.

SECTION 330.19

*Walkway.*

Each mobile home lot shall be provided with a three (3) foot walkway leading from the main entrance to the main walkway or adjacent street.

SECTION 330.20

*Mobile Home Stand.*

Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission .

- SECTION 330.21      *Patio.*
- Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.
- SECTION 330.22      *Anchors.*
- Each mobile home lot shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
- SECTION 330.23      *Corner Markers.*
- The four (4) corners of each mobile home lot shall be marked in a manner acceptable to the Commission.
- SECTION 330.24      *Skirting.*
- Each mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement. The skirting must be approved and made of a manufactured material designated specifically for mobile home use.
- SECTION 330.25      *Landscaping.*
- On each mobile home lot at least one (1) deciduous tree a minimum of one and a half (1 ½"), diameter shall be planted in the front yard.
- SECTION 330.26      *Floor Area.*
- Each mobile home placed within the mobile home park shall have a minimum area of four hundred (400) square feet.
- SECTION 330.27      *Height.*
- The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.
- SECTION 330.28      *Mobile Home Utilities and Other Services.*
- Mobile home park utility and other services shall conform to the requirements of Sections 330.29 to 330.36 inclusive of this ordinance.
- SECTION 330.29      *Storm Drainage.*
- Within each mobile home park storm drainage shall be provided in accordance with the following requirements:
1. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
  2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the Village engineer.

SECTION 330.30

*Water.*

Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

SECTION 330.31

*Sewage Disposal.*

Within each mobile home park there shall be installed a sanitary waste distribution system which shall be connected with the municipal sewer system where available. Where a municipal sewer system is not available, a central treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

SECTION 330.32

*Electrical System.*

Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes to provide not less than one-hundred (100) amperes of power capability. All equipment shall be grounded and weatherproofed.

SECTION 330.33

*Lighting.*

All interior streets and walkways shall be lighted by not less than three-tenths (3/10) foot candle of artificial light.

SECTION 330.34

*Underground Utilities.*

Within each mobile home park, all utility lines, including those for electricity and telephone service shall be located underground.

SECTION 330.35

*Garbage and Refuse Storage.*

The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. The containers shall be located no more than one hundred fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.

SECTION 330.36

*Fire Protection.*

Within each mobile home park there shall be provided a fire protection system with Village of Payne, Ohio standard fire hydrants located within four hundred (400) feet of all mobile homes with two (2), two and one half (2 ½) inch by four and one half (4 ½) inch hose connections.

SECTION 330.37

*Service Building.*

Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.

SECTION 330.38

*Supplementary Conditions and Safeguards.*

In approving any mobile home park, the Commission may recommend and prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of this ordinance is punishable under Section 512 of this ordinance.

Mobile home parks shall also meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733-02.

Mobile home parks shall meet Ohio Revised Code Section 3701-27-01 thru 3701-27-31, 3733.01 - 3733.08 and other rules and regulations of the (Ohio Revised Codes) pertaining to mobile home parks that are most current or revised. The developer or owner shall meet the more restrictive code, (Ohio Revised Code or this Zoning Code).





SECTION 340

MULTIPLE FAMILY DISTRICT

INTENT: To provide alternatives to single family dwelling units which can meet the housing needs of those persons who do not elect single family home ownership.

SECTION 340.01 *Permitted Uses*

- a) Any permitted use in R-1 District
- b) Two family dwelling units
- c) Apartment buildings containing not more than four (4) dwelling units per structure

SECTION 340.02 *Conditional Uses*

- a) Manufactured Homes
- b) Hospitals
- c) Nursing Homes
- d) Public Utility Substations & transmission facilities
- e) Home Occupations
- f) Resident Office Space
- g) Group Home
- h) Home for the aging
- i) Planned unit development (minimum area 15 acres).

SECTION 340.03 *Accessory Uses*

- a) Garages or resident parking areas
- b) Greenhouses
- c) Out buildings

SECTION 340.04 *Yard Requirements*

- a) Front Yard: The minimum front yard setback measured from the right-of-way line of the street, shall be:
  - 55 ft. for Single family detached
  - 55 ft. for two-family D. U.
  - 65 ft. for Apartment buildings
- b) Side Yards:
  - (1) Single family Dwelling Unit (D.U.) or Two-family D. U. The minimum dimension of each side yard shall be 10 ft.
  - (2) Apartment Buildings - The minimum dimension of each side yard shall be 10 ft. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building or 20 feet which ever is greater.

c) Rear Yards:

- (1) Single family D. U. or two-family D. U. The minimum rear yard set back shall be 25 ft.
- (2) Apartment Building -The minimum rear yard set back shall be 25 ft.
  - a) Replacement structure not to exceed existing setbacks of side, rear and front yard setbacks.

d) Fences:

- (1) Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
- (2) All types of fence shall have a finished appearance on the outside.
- (3) The following types of fences shall be prohibited; barbed wire, non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
- (4) Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Section 910 & 911).
- (5) Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line. (See Section 910 & 911).
- (6) Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
- (7) Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

e) Height - No structure shall be erected in excess of 3 stories or 40 ft.

f) Foundation: No building shall be placed or constructed containing more than 144 sq. ft. without a permanent foundation.

g) Parking Requirements (Off Street Right-of-way)

- (1) Single or two-family Dwelling Unit -
  - a) A minimum of two off street parking spaces shall be provided, per dwelling unit.
  - b) No parking on boulevards/tree lawns.
  - c) Garages shall meet all building set back requirements.

- d) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear/side yard if they have a current license.

- (2) Apartment Building - A minimum of two off street parking spaces per dwelling unit shall be provided.

SECTION 340.05 *Prohibited Uses*

- a) Uses as determined by the Board of Zoning Appeals to be hazardous and or detrimental to the surrounding properties.

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:

(Ordinance No. 2005-8 Passed 01/09/06)



SECTION 350

BUSINESS DISTRICT

INTENT: To provide for essential commercial, professional and service uses upon which the community's economic and functional needs are dependent.

SECTION 350.01 *Permitted Uses:*

- a) Financial Institutions
- b) Dry Cleaning
- c) Retail Business including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores
- d) Professional Offices
- e) Automobile equipment and supplies not including major engine overhauling or body repairs
- f) Restaurants - no alcoholic beverages
- g) Theaters
- h) Liquor sales for off premise consumption
- i) Lodges, fraternal organizations, private clubs
- j) Public Uses
- k) Essential Services
- l) Similar uses which are not offensive by reason of their operation or method of service delivery as determined by the Board of Zoning Appeals.

SECTION 350.02 *Conditional Uses:*

- a) Service Stations
- b) Restaurants - Alcoholic Beverages
- c) Automotive sales and or repair (No outside storage of partly dismantled, disabled or damaged automobiles).
- d) Hotels, and Motels, (Lodging and Boarding Houses).
- e) Other intensive commercial uses which display one or more offensive aspects by reason of their operation or method of service delivery.

SECTION 350.03 *Yard Requirements*

- a) Front Yard - No front yard set back required
- b) Side Yard - No side yard set back requirement, if fire resistant construction materials are utilized.

- c) Rear Yard - A minimum rear yard set back of 5 ft. shall be required.
- d) Height - The maximum permissible height shall be 3 stories or 40 ft.
- e) Parking - A minimum of four (4) off street parking spaces for each 20,000 sq. ft. of sales space, or major portion thereof, shall be required. Each off street parking space shall have an arc of not less than 180 sq. ft. exclusive of access drives, or aisles, and shall be of usable shape and condition.  
Therefore be it ordained by the Council of the Village of Payne, State of Ohio: (Ordinance 2012-4 Passed 05/14/12)
- f) Off Street Loading - A minimum of one (1) 12' x 50' loading/unloading space for each 10,000 sq. ft. or less of gross floor area shall be required. The initial off-street loading/unloading space shall be capable of accommodating one 50' tractor-trailer including necessary ingress and egress clearances.
- g) Fences:
  - (1) Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
  - (2) All types of fence shall have a finished appearance on the outside.
  - (3) The following types of fences shall be prohibited; non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.
  - (4) Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Section 910 & 911).
  - (5) Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line. (See Section 910 & 911).
  - (6) Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
  - (7) Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

SECTION 360

INDUSTRIAL DISTRICT

INTENT: To provide employment opportunities through orderly industrial development consistent with the objective of restricting noxious aspects of industrial uses from adversely affecting less intensive development.

SECTION 360.01 *Permitted Uses.*

- (a) Any use permitted in the B-1 District excepting residential uses.
- (b) Light manufacturing uses including, but not limited to, bottling plants, contractor storage yards, lumber yards, concrete batch plants, food or dairy processing, grain storage, railroad yard or shops, trucking terminals or uses of a similar nature.
- (c) Billboards or advertising structures

SECTION 360.02 *Conditional Uses*

- (a) Any industrial activity which by virtue of its operation or nature constitutes a significant risk to the general health, safety and welfare of the community (i.e. smoke, noise, dust, flammable, volatile liquids, etc.) including gasoline tank farms, forging, animal slaughter houses, quarries, or uses of a similar nature.

SECTION 360.03 *Accessory Uses*

Any accessory use or structure customarily associated with, but incidental to, the primary use shall be allowed.

SECTION 360.04 *Requirements*

No building, structure or permanent improvement of any kind shall be permitted within 100 feet of a property line, except:

- (a) parking areas which shall be not less than 30 feet from a property line;
- (b) fences or security guard substations;

Fences:

- 1 Every property owner upon whose property a fence has been erected must maintain said fence in good condition at all times and, where applicable, keep said fence painted.
2. All types of fence shall have a finished appearance on the outside.
3. The following types of fences shall be prohibited; non-secure type of wire fence, any other materials that at the discretion of the Zoning Inspector could constitute a hazard to safety and welfare of the general public.



4. Front yard fences (to building line); all fences within the front yard setback line shall be open type fences only, with a maximum height of six (6) feet. (See Section 910 & 911).
5. Side and rear yard fences; along side and rear yard, open and solid type fences are permitted to a maximum height of seven (7) feet along side yard line and seven (7) feet within the rear yard line. (See Section 910 & 911).
6. Fences not in excess of eight (8) feet in height shall be permitted to be used as privacy screens around patios and pools in the rear lots of residence properties provided such fences are not located on any property line.
7. Sections 4,5, and 6 herein above shall not apply to any fences where the law of Ohio or of the United States specifies otherwise due to the nature of the use of the property by the property owner if said use is otherwise in compliance with the Zoning Ordinance of the Village.

(c) utility or lighting poles required for service.

SECTION 360.05

*Height*

The height of structures shall not be restricted.

SECTION 360.06

*Parking*

A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle. Plus space to accommodate all trucks and other vehicles used in connection therewith.

SECTION 360.07

*Off-Street Loading and Unloading*

Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector.

There shall be provided and maintained on the same lot with each building, at least one off-street loading space for each 10,000 sq. ft. or less floor space, plus one additional for each additional 20,000 sq. ft. or fraction thereof of gross floor area.

- (a) Each loading and unloading space shall be 12 feet in width, 14 feet in height, and 54 feet in length for tandem trailers and 34 feet in length for two axle trucks.
- (b) No loading and unloading space shall be located closer than 50 feet to any "R" District, unless completely enclosed or screened by fence, trees, or wall at least six feet in height.

ARTICLE 400

ADMINISTRATION

SECTION 401

*Office of Zoning Inspector Created.*

A Zoning Inspector appointed by the Mayor shall administer and enforce this ordinance. He/She may be provided with the assistance of such other persons as the Mayor shall direct.

A) *Qualifications Of Zoning Inspector:*

1. Must be able to read and comprehend the Zoning Ordinance Book and Maps, make informed decisions and must attend meetings and hearings.
2. Must be knowledgeable of Buildings and Flood Plain.
3. Must be able to complete forms such as an Application for Permits, Variance forms, Appeal forms and Violation forms and maintain Records.
4. Must have knowledge of Fee Schedule and see that all fees are paid to our Administrative Secretary.
5. Must be capable of reviewing all development permits according to the requirements of this Zoning Ordinance, to assure that all necessary permits have been received from those Federal, State or Local Government Agencies from which prior approval is required. To determine if the proposed development is within the designated floodway specs according to the Flood Map and provisions met within this Ordinance.

SECTION 402

*Duties of Zoning Inspector*

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

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violations of this ordinance. This may include the issuance of, and action on, zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law;
6. Measure property of new homes to determine if front, back and side setbacks, as well as height, are within the allowed limits designated in the

Zoning Ordinance. This also pertains to new garages built or any accessory building.

7. Get all paperwork to the Administrative Secretary on time; therefore, all paperwork may be filed to appropriate persons in time frame allotted.

SECTION 403

*Proceedings of Planning and Zoning Commission*

The Commission shall adopt rules necessary to conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning Inspector.

SECTION 404

*Planning and Zoning Commission Created*

A Planning and Zoning Commission is hereby created, which shall consist of the Mayor, one member of council to be elected by said council for the remainder of their term as a member of said council, 3 citizens of the Village to be appointed by the Mayor. Members of the Commission shall serve six (6) years each, except that the term of one (1) of the members of the first planning and zoning commission shall be for two (2) years, one (1) of the first planning and zoning commission shall be for four (4) years, and one (1) of the members of the first planning and zoning commission shall be six (6) years. Each member shall be a resident elector of the Village during his continuance in such capacity. Excepting the Mayor, members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing.

SECTION 405

*Duties of Planning and Zoning Commission.*

For the purpose of this ordinance the Commission shall have the following duties:

1. Initiate proposed amendments to this ordinance;
2. Review all proposed amendments to this ordinance as specified in Article 700.

SECTION 406

*Board of Zoning Appeals Created.*

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor each for a term of five (5) years, except that the initial appointments shall be one (1) member each for a term of, two (2), three (3), four (4), and five (5) years. Each member shall be a resident elector of the Village during his continuance in such capacity with each member being approved by Council by individual vote. Members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected.

SECTION 407

*Proceedings of the Board of Zoning Appeals.*

The Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.

All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Inspector. Before a permit, grievance, or variance goes to the Board of Zoning Appeals, all information requested and applications must be presented to the Mayor and Zoning Inspector.

SECTION 408

*Duties of the Board of Zoning Appeals.*

In exercising its duties, the Board may, hear appeals from the decisions of the Zoning Inspector and, as long as such action is in conformity with the terms, spirit, and intent of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination so appealed. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done; (See Section 413)
3. To grant conditional use permits under the conditions specified in Section 420 including such additional safeguards as will uphold the intent of this ordinance.

SECTION 409

*Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.*

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only by appealing the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the Common Pleas Court as provided by law. It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

SECTION 410 *Procedure and Requirements for Appeals and Variances.*

Appeals and variances shall conform to the procedures and requirements of Sections 411 to 419, inclusive, of this ordinance. As specified in Section 408, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 411 *Appeals*

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) calendar days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 412 *Stay of Proceedings.*

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

SECTION 413 *Variances*

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

SECTION 414 *Application and Standards for Variances.*

A Variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants; and Owners of land with 200 feet of the parcel or parcels being considered for variances.
2. Legal description of property;
3. Description of nature of variance requested;

4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of title ordinance;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 604 of this section have been met by the applicant.

SECTION 415

*Supplementary Conditions and Safeguards.*

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.

SECTION 416

*Public Hearing By the Board of Zoning Appeals.*

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

SECTION 417

*Notice of Public Hearing in Newspaper.*

Before holding the public hearing required in Section 416, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least twenty (20) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

SECTION 418

*Notice to Parties in Interest.*

Before holding the public hearing required in Section 416, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties having a proprietary interest in land within 200 feet. The notice shall contain the same

information as required of notices published in newspapers as specified in Section 417.

SECTION 419 *Action by Board of Zoning Appeals.*

Within thirty (30) days after the public hearing required in Section 416, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 415, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure or affirm the Zoning Inspectors disapproval and must state reasons for the same. Appeals from Board decisions shall be made in the manner specified in Section 409.

SECTION 420 *Procedure and Requirements for Approval of Conditional Use Permits.*

Conditional uses shall conform to the procedures and requirements of Sections 421 to 427, inclusive of this ordinance.

SECTION 421 *General*

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 300, shall follow the procedure and requirements set forth in Sections 422-427, inclusive..

SECTION 422 *Contents of Application for Conditional Use Permit.*

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant; and Owners within 200 feet of the said parcel or parcels being considered for Conditional Use.
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance;

7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required by the Board.

#### SECTION 423

##### *General Standards Applicable to All Conditional Uses.*

In addition, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use established for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional-requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### SECTION 424

##### *Supplementary Conditions and Safeguards.*

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.



SECTION 425 *Procedure for Hearing, Notice.*

Upon receipt of the application for a conditional use permit specified in Section 422, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 416, 417, and 418.

SECTION 426 *Action by the Board of Zoning Appeals.*

Within thirty (30) days after the public hearing required in Section 416, the Board shall either approve, approve with supplementary conditions as specified in Section 424, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 409. Copy of the Board's decision, reports, reasons and minutes shall be furnished to the applicant.

SECTION 427 *Expiration of Conditional Use Permit.*

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

ARTICLE 500

ENFORCEMENT

SECTION 501 *Zoning Permits Required.*

No building, or other improvement, or other structure shall be erected, added to, or structurally altered, costing more than two thousand dollars, without a permit therefor being first issued by the Zoning Inspector. The Zoning Inspector shall provide a copy of said zoning permit to the Paulding County Auditor within 60 days of the issuance of said permit. No building, improvement, structure, or land may be established, moved or changed in use without a permit therefor, being first issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. Therefore be it ordained by the Council of the Village of Payne, State of Ohio: (Ordinance No. 2012-4 Passed 05/14/12)

SECTION 502 *Contents of Application for Zoning Permit.*

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two (2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Two copies of plans drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

SECTION 503 *Approval of Zoning Permit.*

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. If the application is approved, the Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting the fact that the use or alteration is in conformance with the provisions of this ordinance. (See Section 504).

*See  
instructions  
labeled  
SECTION*

SECTION 504 *Submission to Director of Transportation.*

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the right-of-way of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said right-of-way with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period of any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

*Revocation of Zoning Permit - Form No. 4*  
SECTION 505 *Expiration of Zoning Permit.*

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

*Application For Certificate of Occupancy - Form No. 5*  
SECTION 506 *Certificate of Occupancy.*

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the buildings or land conforms to the requirements of this ordinance.

SECTION 507 *Temporary Certificate of Occupancy.*

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

SECTION 508 *Record of Zoning Permits and Certificates of Occupancy.*

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

SECTION 509 *Failure to Obtain a Zoning Permit or Certificate of Occupancy.*

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 512 of this ordinance.

SECTION 510 *Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates.*

Zoning Permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in Section 512 of this ordinance.

SECTION 511 *Complaints Regarding Violations.*

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person shall file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance. IF THE VIOLATOR OF THE ZONING ORDINANCE DOES NOT COMPLY WITH THE ZONING ORDINANCE AS DIRECTED BY THE ZONING INSPECTOR WITHIN THE TIME REQUIRED BY THE ZONING INSPECTOR, THEN THE ZONING INSPECTOR SHALL FILE ALL OF THOSE DOCUMENTS SHOWING THE VIOLATION, THE ACTION TAKEN BY THE ZONING INSPECTOR AND THE VIOLATOR'S FAILURE TO CORRECT THE VIOLATION, WITH THE CHIEF OF POLICE OF THE VILLAGE OF PAYNE, OHIO, WHO, UPON RECEIPT OF SAID DOCUMENTS, SHALL NOTE SUCH FILING IN THE SERVICE REQUEST RECORD AND PROCEED TO FILE A COMPLAINT BASED UPON SAID VIOLATION IN THE MAYOR'S COURT OF THE VILLAGE OF PAYNE, PAULDING COUNTY, OHIO.

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:  
(Ordinance No. 2007-10 Passed 10/22/07)

SECTION 512 *Penalties for Violation.*

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, move, maintain or use, any building or land in violation of any regulations in or any provisions of this ordinance or of any amendment or supplement thereto. Any violation of the provisions of this ordinance or failure to comply with any of its requirements, including the violation of conditions and safeguards established in various sections of this ordinance, shall be punishable as hereinafter provided. Any person, firm, partnership, limited liability company or corporation, violating any regulation in or any provision of this ordinance, or of any amendment or supplement thereto, shall be guilty of a minor misdemeanor on the first offense; a misdemeanor of the fourth degree on a second offense, and a misdemeanor of the third degree on each subsequent offense. Each and everyday that such a violation continues may be deemed a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation is also in violation of this ordinance and each may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. All misdemeanor violations shall be heard in the Mayor's Court of the Village of Payne, Paulding County, Ohio, unless, at the discretion of the Mayor, such violations are referred to the Village Solicitor, who shall then prosecute them in the County Court of Paulding County, Ohio.

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:  
(Ordinance No. 2005-9 Passed 01/09/06)

SECTION 513 *Schedule of Fees, Charges, and Expenses*

The Village shall by ordinance (see Article 1100) establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

- (a) The Zoning Inspector shall forthwith deposit all fees with the Finance Director who shall credit such fees to the credit of the General Revenue Fund to the Village.
- (b) Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the Zoning Inspector or his or her agent, and copies shall be furnished upon request to any person having interest in the building or land affected.

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:  
(Ordinance No. 2005-6 Passed 09/12/05)

## ARTICLE 600

### NON-CONFORMITIES

#### SECTION 601 *Intent*

Within the districts established by this ordinance or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### SECTION 602 *Incompatibility of Non-Conformities*

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### SECTION 603 *Avoidance of Undue Hardship.*

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that the work shall be carried out diligently.

#### SECTION 604 *Single Non-Conforming Lots of Record.*

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 300 and 900 of this ordinance other than lot area or width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 411 through 419.

#### SECTION 605 *Non-Conforming Lots of Record in Combination.*

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width

and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

SECTION 606 *Non-Conforming Uses of Land.*

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this ordinance;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

SECTION 607 *Non-Conforming Structures.*

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its locations on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means other than identified in Section 607-4, it shall not be reconstructed except in conformity with the provisions of this ordinance;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Replacement of non-conforming structure destroyed by fire, explosion, war, riot, or Act of God, shall be allowed if done within one (1) year. Any non-replacement or voluntary discontinued use after one (1) year shall be in conformity with this resolution.

SECTION 608 *Non-Conforming Uses of Structures or of Structures and Land in Combination.*

If a lawful use involving structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the

district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### SECTION 609 *Repairs and Maintenance*

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### SECTION 610 *Uses Under Conditional Use Provisions Not Non-Conforming Uses.*

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.





ARTICLE 700

AMENDMENT

SECTION 701 *Procedure for Amendment or District Changes*

This ordinance may be amended utilizing the procedures specified in Sections 702 to 713, inclusive of this ordinance.

SECTION 702 *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 procedure provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 703 *Initiation of Zoning Amendments.*

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

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

SECTION 704 *Contents of Application.*

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 200 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Proposed amending ordinance, approved as to form by the Village Legal Advisor;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. 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;
8. A list of all property owners and their mailing addresses appearing on the County Auditor's current tax list or the Treasurer's mailing list who are within, 200 feet of the parcel](s) proposed to be re-zoned;
9. A statement on how the proposed amendment relates to the comprehensive plan;
10. A fee as established by Village Council, according to Section 513.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9) and (10) listed above.

SECTION 705 *Transmittal to Planning and Zoning Commission.*

Immediately after the adoption of a resolution to amend the Zoning Code by the Village Council or the filing of an application by at least one (1) owner of property, said resolution or application shall be transmitted to the Commission.

SECTION 706 *Submission to Director of Transportation.*

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the right-of-way of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said right-of-way with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the re-zoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

SECTION 707 *Recommendation by Planning and Zoning Commission.*

Within sixty (60) days from the receipt of the proposed amendment, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Planning and Zoning Commission may schedule a public hearing within the above mentioned 60 days. Public Hearing Notice must meet same standards and time schedule as for Village Council, (See Section 708, 709 and 710).

SECTION 708 *Public Hearing by Village Council.*

Upon receipt of recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

SECTION 709 *Notice of Public Hearing in Newspaper*

Notice of the public hearing required in Section shall be given by Village Council by at least one 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.

SECTION 710 *Notice to Property Owners by Village Council.*

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 public hearing to all owners of property within 200 feet of area proposed to be re-zoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or

lists that may be specified by 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 as specified in Section 417.

SECTION 711 *Action by Village Council.*

Within thirty (30) days after the public hearing required by Section 708, the Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning 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 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.

SECTION 712 *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 passing 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) per cent 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. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 713 *Zoning Upon Annexation.*

- (a) Temporary Zoning. Use shall be made of the most recent official comprehensive land use plan. All tracts shall, upon annexation, be zoned the most restrictive designation for the type of use shown on the most recently adopted comprehensive land use plan. In the event that the annexed parcel is not designated on the said land use plan, the temporary zoning shall be as designated on the said land use plan nearest to the tract on the plan (Example: For a tract designated residential, the temporary zoning would be R-1). Land identified by the Federal Emergency Management Agency as an area of special flood hazard and so designated on the applicable Flood Hazard Boundary Map or designated as Zone A, AE, AH, AO, A1-30 or A99 on the applicable Flood Insurance Rate Map shall be designated "Flood Plain" upon annexation. Such designation shall not be changed pursuant to paragraph (b) hereof without express consent of the Federal Emergency Management Agency.
- (b) Permanent Zoning: Within thirty days after annexation, the Planning and Zoning Commission shall formulate and transmit to Council its recommendations as to permanent zoning for all annexed areas. Whereupon, Council shall hold at least one public hearing, after giving reasonable public notice thereof, upon the question of permanent zoning, which shall be adopted in accordance with the procedures set forth in Article 700.



## ARTICLE 800

### DEFINITIONS

Interpretations of Terms or Words: For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel"
6. The word "boulevard/tree lawn" designates the Village Right of Way between the street and sidewalks, often lined with trees; homeowners are responsible for care and maintenance of.
7. Except where specifically defined all words used in this Zoning Code shall carry their customary meanings as defined by the Webster's Third New International Dictionary, unabridged, The Great Library of the English Language, which is currently on file in the Village Hall office.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. In commercial, institutional and industrial areas, warehousing and parking lots are accessory uses.

Agriculture: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

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

Apartment House: See Dwelling, Multi-Family.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive, Mobile Home, Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

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

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

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel,

motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See Setback line

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day to day need in the neighborhood.

Business General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

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

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and/or surgical attention, but who are not provided or lodged overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not primarily for profit, or rendering a service which is customarily carried on as a business.

Commercial Entertainment Facilities: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Commission: The Village Planning and Zoning Commission of Payne, Ohio.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the planning commission and/or the legislative authority of the Village of Payne showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the board of zoning appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit: A use issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Corner Lot: See Lot Types

Council: The Village Council of Payne, Ohio

Conventional-Built Home: A home built on the property beginning with the required permanent foundation, built from the ground up by hand.

Cul-de-Sac: See Thoroughfare

Day-Care Center: In the Ohio Revised Code, specific reference is made to "Child day-care center" (emphasis added). O.R.C. 5104.01(C) sets forth the following:

- (a) Child day-care center: means any place in which child day care is provided, with or without compensation, for thirteen or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to twelve children at one time.
- (b) Children who are under age six who are related to a licensee, administrator or employee and who are on the premises are included in the count. The definition excludes facilities run by a hospital, which include physician or registered nurse supervision and where all children exhibit signs of communicable diseases.

Dead-end Street: See Thoroughfare

Density: A unit of measurement; the number of dwelling units per acre of land. (D.U.) means dwelling unit.

- a. Gross Density - the number of dwelling units divided by total acres.
- b. Net Density - the number of dwelling units divided by total acres less unusable ground.
  1. Unusable Ground: Unusable ground including land set aside by zoning requirements and land that can't be built on because of its physical characteristics. Unusable ground can include: Perimeter setbacks and/or buffer areas, Unit to Unit setbacks, Storm water retention areas, Existing on-site easements, Protected land and setback areas, such as wetlands; streams, ponds, and lakes; steep slopes; beaches and dune systems; and endangered species habitats.

Districts and Zoning Districts: Administrative tracts designating the uses to which land can legally be put. Boundaries of the districts are shown on the District Map, which is a part of this Zoning Code.

Dwelling Unit: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees, which is designated for or used for residential purposes.



Dwelling, Single Family: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family (Duplex): A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family (Triplex or Apartment House): A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Manufactured Home: Modular Home, Industrialized Unit and Mobile Home (reference respective names, see Industrialized Unit).

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Farm Animals: Livestock such as horses, pigs, cows, sheep, goats or similar livestock.

Flood Fringe: That portion of the flood plain, excluding the flood way, where development may be allowed under certain restrictions.

Flood Plain: That land, including the flood fringe and the flood way, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Flood way: That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the flood way.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To Be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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

Foundation: See Permanent Foundation.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored; and
3. The Commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no services shall be provided for remuneration.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head on crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities and
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Group Home: A group home is a residential facility that provides individualized residential services for up to nine individuals who are mentally retarded, developmentally disabled, physically handicapped, convalescing or undergoing rehabilitation, or who cannot otherwise care for themselves. These individuals shall not have been previously convicted of a felony as the reason for their current rehabilitation nor shall they require institutional care or treatment. These users shall be licensed by and/or have accountability to a government agency for the clientele served. This definition does not include hospitals or facilities that administer treatment as their primary function to outpatients on a day-care basis.

Highway Director: The director of the Ohio Department of Highways & Transportation.

Home For The Aging: A home for the aging is a home that provides:

1. Personal assistance for six or more individuals who are dependent on the services of others by reason of age and physical or mental impairment, but who do not require skilled nursing care.
2. Personal assistance and skilled nursing care for three or more individuals. The part or unit of the home for the aging that provides personal assistance shall be licensed as a rest home.

The Public Health Council may further classify homes. Nothing in these Codified Ordinances, or rules adopted pursuant to it, shall be construed as authorizing the supervision, regulation or control of the spiritual care or treatment of residents or patients in any home who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious body.

Home Occupation: An occupation conducted in a dwelling unit, accessory use of a service character provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. 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 25 per cent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard; and
6. 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, if the occupation is conducted in a single-family residence, or outside the dwelling unit or conducted in other than a single-family residence. 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 cause fluctuations in line voltage off the premises.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Industrialized Unit: Mobile Home or Unit means a building unit or assembly of closed construction that is fabricated in an off-site facility and is substantively self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use, such as a prefabricated or paneled home. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Once at the site, the unit must be placed on a permanent foundation and is stamped industrialized unit. **See permanent foundation.**

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

Junk Storage and Sales (Salvage and Recycling Operation): Any land, property, structure, building, or combination of the same, on which junk, such as waste, scrap metal, paper, rags or similar material is stored, processed, sold, exchanged, packed, or handled.

Kennel or Cattery: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Land Use Plan (aka Comprehensive Land Use Plan): The long-range plan for the desirable use of land, as adopted by the City Planning Commission, the purpose of such plan being, among other purposes, to serve as a guide in the future development and zoning for the community.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Frontage: The front of a lot shall be construed to be the portion abutting the street right-of-way (public or private). For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows: (see Figure 4-1, Lot Terms, Article 1300)

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of lot shall be considered to be the distance between straight lines connecting from and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows: (see Figure 4-2, Types of Lots, Article 1300)

1. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one frontage on a street.
3. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. A reversed frontage lot is a lot on which frontage is at right angle to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. Lot Width: The width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of the front yard.

Major Thoroughfare Plan: The comprehensive plan adopted by the Village Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporation limits of Payne and/or unincorporated areas within three (3) miles thereof.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufactured Home: A wood frame home built in a factory and placed onto a required permanent foundation via a crane or some sort of lifting device.

Manufacturing General: Any manufacturing or industrial production other than limited or restricted. Limited and restricted industrial uses are permitted in a General Industrial District. All manufacturing and industrial processes shall comply with the performance requirements of Section 916-926.

Manufacturing, Heavy: Manufacturing processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Limited or Restricted: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Mobile Home: A portable single-wide home on wheels, transported by a semi-tractor truck, with no permanent foundation required, **Allowed only in the R-3 District.**

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Modular Homes: A Double-Wide or a two piece home with a steel frame, with a permanent foundation required.

Nonconforming Use: A building, structure, or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the commission deems permissible. Streets, structures for habitation, and the like shall not be included.

Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way, (minimum area 180 sq. ft.)

Performance Bond or Surety Bond: An agreement by a developer with the Village, County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

Permanent Foundation: means permanent masonry, concrete or locally approved footing or foundation that meets all of the following criteria:

1. The foundation must be of poured concrete or cement block with poured footers and no less than three (3) feet deep and eight (8) inches wide with a height of eighteen (18) inches or two (2) eight (8) inch blocks.
2. If approved, the foundation may be covered with the appropriate skirting.
3. Structure shall be permanently attached.
4. Structure shall be permanently attached to foundation leaving no visible gaps between foundation and home.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, and administrative, and cultural, buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

Quasi-public Use: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

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

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Setback Line: A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the right-of-way line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region. When deemed economically feasible any sewage disposal system shall be serviced by the Village Central Sewage System.

Sludge: A solid or near solid by-product of sewage treatment or industrial waste treatment.

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

Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

Skirting: A specific manufactured material designed especially for mobile home use.

Steps, deck, porch or add-ons: means additional structures that may or may not be attached to the home.

1. All steps must be constructed on-site and must fit the entrance accordingly.
2. All decks must be wooden, and or composite material approved for said use, and anchored to the ground by footers.
3. All porches and add-ons must be constructed to fit the style of the home.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Structure shall include but not be limited to: buildings, mobile homes, manufactured homes, modular homes, conventional-built homes, walls, fences, billboards, patios, sidewalks and driveways.

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

Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- a. Private: Exclusively used without paying additional charge for admission by the residents and guests of a single household, a multifamily development, or a community; the members and guests of a club; or the patrons of a motel or hotel.
- b. Community: Operated with a charge for admission.

Thoroughfare, Street, or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Through Lot: See Lot Types

Travel Trailer: means a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on-site. "Travel Trailer" continues to include a tent-type fold-out camper trailer as defined in section 4517.01 of the Ohio Revised Code.

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

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.



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

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Village of Payne in order to better locate and orient the area in question.

Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main structure shall be used.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Permit: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE 900

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 901 The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

SECTION 902 *Conversion of Dwelling to More Units.*

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The conversion is in compliance with all other relevant codes and ordinances.

SECTION 903 *Private Swimming Pools.*

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any property line, nor in a front yard.
3. The in ground swimming pool, 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 not be less than six (6) feet in height and maintained in good condition with a gate and lock.
4. Swimming pools four (4) feet above ground or higher must have a locking ladder or a gate with a lock to prevent uncontrolled access by children from the street or from adjacent properties.

Therefore be it ordained by the Council of the Village of Payne, State of Ohio:

(Ordinance No. 2006-3 Passed 10/09/06)

SECTION 904 *Community or Club Swimming Pools.*

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements.

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;

3. The in ground swimming pool, 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 not be less than six (6) feet in height and maintained in good condition with a gate and lock. Swimming pools four (4) feet above ground or higher must have a locking ladder or a gate with a lock to prevent uncontrolled access by children from the street or from adjacent properties.

SECTION 905 *Temporary Buildings.*

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. A temporary zoning permit authorized by the Zoning Inspector is required.

SECTION 906 *Parking and Storage of Certain Vehicles.*

Automotive vehicles or trailers of and kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.

SECTION 907 *Required Trash Areas.*

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas if such area is not within an enclosed building or structure shall be enclosed on at least three sides by a solid wall or fence (a minimum of ~~or~~ at least four (4) feet in height. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

SECTION 908 *Supplemental Yard and Height Regulations*

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 909 to 915, inclusive shall be used for interpretation and clarification.

SECTION 909 *Setback Requirements for Corner Buildings.*

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

SECTION 910 *Visibility at Intersections.*

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) and (10) feet above the right-of-way line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line **joining** points along said street lines fifty (50) feet from the point of intersection.

SECTION 911 *Fence and Wall Restrictions in Front Yards.*

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2-1/2) feet and ten (10) feet.

SECTION 912 *Yard Requirements for Multi-Family Dwellings.*

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

SECTION 913 *Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts.*

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

SECTION 914 *Architectural Projections*

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

SECTION 915 *Exceptions to Height Regulations.*

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 916 *Special Provisions for Commercial and Industrial Uses.*

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 917 to 926, inclusive.

SECTION 917 *Fire Hazards.*

Any activity involving use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

SECTION 918 *Radioactivity or Electrical Disturbance.*

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

SECTION 919 *Noise.*

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

SECTION 920 *Vibration.*

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

SECTION 921 *Air Pollution.*

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 922 *Glare.*

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

SECTION 923 *Erosion.*

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

SECTION 924 *Water Pollution.*

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 925 *Enforcement Provisions.*

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

SECTION 926 *Measurement Procedures.*

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington D.C., The United States Bureau of Mines, and the Ohio Environmental Protection Agency.

SECTION 927 *Flood Fringe Areas.*

Flood fringe areas designated on the official zoning map are to be generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of flood waters. Any proposed use of areas within the designated flood fringe area will require a conditional use permit in accordance with Section 420, and an environmental permit from the State of Ohio.

SECTION 928 *Dumping and/or Spreading of Sewage Sludge.*

1. The dumping and/or spreading of sewage sludge, industrial sludge, and any by-product of the treatment of sewage or industrial waste is prohibited within the village corporation.

SECTION 929 *Raising of Livestock (Farm Animals).*

1. The following shall apply to platted subdivisions and areas containing 15 or more lots, each of which are less than five (5) acres in size and contiguous as determined by abutting or being opposite each other on a public dedicated road:

The breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats or similar livestock is prohibited on lots of one (1) acre or less. On lots greater than one acre but less than five (5) acres, farm animals or structures incident to housing farm animals shall not be permitted within 50 feet of a dwelling or an adjacent property line, but shall not omit noxious or otherwise objectionable odor or noise.

SECTION 930 *Sign Regulations.*

- A. INTENT- Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:
1. To maintain high value residential districts and promote attractive public facilities, by permitting only name plates, bulletin boards and signs related to the development, rental or sale of properties in such districts;
  2. To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishments;
  3. To eliminate any conflict between advertising signs and traffic controls signs which would be hazardous to the safety of the motoring public or the pedestrian;
  4. To control the design of signs so that their appearance will be esthetically harmonious with an overall urban design for the area; and,
  5. To promote the most desirable developments and economic activity in accordance with the objectives of the Zoning Code.
- B. ESTABLISHING REGULATIONS - Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this section

The construction, erection, safety and maintenance of all signs shall be in accordance with the State Building Code. The provisions of this section shall not amend or in any way interfere with other codes, rules, or regulations governing traffic signs within the Village.

The display of official public notices, and the flag, emblem or insignia of an official governmental body shall not be governed by the provisions of these regulations.

C. CLASSIFICATION OF SIGNS -

1. "Sign" means any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof printed on or attached directly or indirectly on a structure;

2. Classification by Use Types

- a) "Nameplate" means a sign indicating the name and address of the profession of the person or persons occupying the lot or a part of a structure or building;
- b) "Bulletin Board" means an announcement sign which directs attention to and is located on the lot of a public or semi-public institution;
- c) "Identification Sign" means a sign, indicating the name, owner, or manager of an existing project, structure, or building;
- d) "Real Estate" means a sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed;
- e) "Project Sign" means a sign which directs attention to the promotion, development, and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved with the construction;
- f) "Business Sign" means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or services rendered, on the lot on which the sign is located;
- g) "Industrial or Service Sign" means a sign which directs attention to the name, service or industrial establishment, goods produced or sold, or service rendered, on the lot on which the sign is located;
- h) "Directional Sign" means a sign indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location;
- i) "Informational Sign" means a sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomena, weather, time, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information; and,
- j) "Temporary Sign" means a sign of any type to announce special events or sales, to announce the sale, lease or rental of property, and designed for use for a limited period of time.

3. Classification by Structural Types

- a) "Wall or Panel Sign" means a sign integrated with the exterior face of an exterior wall of a structure or building, or attached to the wall or parallel with the wall and projecting not more than twelve (12) inches therefrom;
- b) "Window Signs" means a sign painted, attached or affixed to the exterior or exterior surface of windows or doors of a structure or building.
- c) "Projecting Sign" means a sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom;
- d) "Canopy Sign" means a sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee;
- e) "Ground Sign" means a freestanding sign which is supported by one (1) or more poles, posts or braces in or upon the ground; and,
- f) "Pole Sign" means a sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.

D. MEASUREMENT STANDARDS - Signs are regulated in this Code by relating the gross area of signs to the building or use of a lot, or to the size of the building unit to which the sign is accessory.

1. The "gross area of signs" for a building or use shall include all the surfaces visible from a public way and shall be measured as the area enclosed by one (1) rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a sign composed of characters or words attached directly to a large, uniform structure or building wall surface shall be the smallest rectangle which enclosed the entire group;
2. Whenever the gross area of the signs are related to the size of the structure, building or lot:
  - a) The "frontage of a building" shall be the width of the facade of the structure, building, store, service or office unit which faces the principal street, or the facade containing the main entrance of a store, office, service or manufacturing building; for corner buildings half of the building depth facing the side street may be included in the frontage width factor; and,
  - b) "frontage of a lot" not occupied by a building shall be the number of lineal feet the lot abuts on the principal street;
3. Buildings or lots having frontage on a second street or a secondary entrance to a parking area, may be permitted additional signs along such secondary streets which shall, however, not exceed twenty (20%) percent of the area of the signs permitted along the main facade.

E. DESIGN STANDARDS - Signs, as permitted in the various use districts shall be designed so as to be similar in character with regard to materials, color and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract, and to produce an overall unified effect and in accordance with the standards set forth in this section.

1. Wall or panel sign shall not project more than 12 inches from the structure or building wall to which it is attached and shall be setback from the end of the building and party wall lines for a distance of at least two (2) feet and shall not project beyond any corner or above the coping or eaves of any structure or building.
2. Projecting signs may be attached to the structure or building wall or canopy and project at an angle of approximately 90 degrees for a distance of not more than five feet or project over the cornice line more than one-third of the total height of the sign. Projecting signs shall be located not less than five feet from a party wall line and the lowest member of a projecting sign shall be at least eight feet above a public sidewalk and fifteen (15) feet above any drive. Signs shall not project into any dedicated right-of-way;
3. Pole signs may be attached to the structure or building wall or canopy and project at an angle of approximately 90 degrees for a distance of not more than five (5) feet or project over the cornice line more than one-third of the total height of the sign;
4. Permanent ground signs shall not extend fifty (50) feet in any district where such signs are permitted;
5. Vertical dimension is the lowest member for all signs which project or are supported on posts, shall be not less than eight feet above the finished grade of a sidewalk or any other pedestrian way; and if located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edge of such pavement, the lowest member of the sign shall be not less than fifteen (15) feet above the finished pavement;



6. Relation to openings - Signs shall not project over or obstruct the required windows or doors of any structure or building, shall not be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated in other codes; and,
  7. Relation to traffic devices - Signs shall not be erected so as to obstruct "sight lines" along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc. and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs. Flashing or moving illumination shall be permitted only approval of the Planning Commission.
- F. ILLUMINATION OF SIGNS - Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such height so as to cause glare hazardous to pedestrians or auto drivers or so as to cause reasonable objection from adjacent residential districts.
- G. RESIDENTIAL DISTRICTS (R1, R2, R3, and R4) - Accessory signs in any residential district shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with regulations as follows:
1. The types of signs permitted as to use, structure, size and number for each dwelling or lot shall be regulated as follows:
    - a) One (1) nameplate indicating the occupant's name, and house number, not exceeding ten (10) square feet in area may be located on any structure or building or lot but not less than ten (10) feet from any lot or street right-of-way line. In a multi-family district one (1) permanent identifications sign, indicating the name, owner or manager of the multi-family project, not exceeding twenty (20) square feet in area shall be permitted facing each major street but not less than ten (10) feet from a side lot line and ten (10) feet from any street right-of-way line;
    - b) One (1) directional or no trespassing sign not exceeding five (5) square feet in area shall be permitted on any building or lot located not less than ten (10) feet from any lot line or street right-of-way;
    - c) One (1) real estate sign, advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, not exceeding ten (10) square feet in area of five feet in height, shall be permitted for each dwelling or lot, provided, said sign shall be located not less than ten (10) feet from any lot or street right-of-way line; illumination shall not be permitted;
    - d) Subdivision project signs not exceeding one hundred (100) square feet in total area may be permitted while a subdivision is under construction provided said sign is located not less than fifty (50) feet from any occupied residence and not less than ten (10) feet from the nearest street right-of-way line. Permits for such signs shall be for a period not exceeding one (1) year, however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within thirty (30) days of the commencement of the intended use; and,
    - e) One (1) bulletin board or announcement sign not exceeding 20 square feet in area or five feet in height may be located on the premise of a public charitable or religious institution in any residential district but not less than ten (10) feet from any residential lot line or less than ten (10) feet from the nearest street right-of-way line; indirect illumination shall be permitted.

H. BUSINESS DISTRICT SIGNS (B1) - Accessory signs in Business Districts shall be designed, erected, altered, moved and maintained, in whole or in part in accordance with regulations as follows:

1. Use Types Permitted

- a) business signs, directing attention to the business establishment;
- b) directional signs, to direct pedestrians and vehicles;
- c) professional nameplates and identifications signs;
- d) real estate and project signs of a temporary nature;

2. Structural Types Permitted - Wall or panel, canopy, ground, projecting and pole signs, shall be permitted in accordance with regulations set forth in this section in any Convenience, General or Central Business District;

3. Maximum Area and Number Permitted -

- a) The maximum gross area of all permanent signs permitted for each separate use occupying a portion of a structure or building, shall be related to the width of the portion of the structure or building occupied and shall be adjusted so that the smaller establishments (businesses) may be permitted reasonable sign area and so that larger establishments (businesses) within the structure or building may not have excessive signage area. Signs accessory to a structure or building or portion thereof shall be determined by the following formula:
- b) The maximum gross area of all permanent signs permitted for each separate lot not occupied by a structure or building shall be determined by the following formula.

Maximum gross area of signs =  $(W \times 1.5) + 40$  square feet

The elements of said formula being defined as follows:

“Maximum Gross Area” means the “total area of all permanent signs”; and “W” means the “frontage of a structure or building” as defined in section 930 D of this code.

c. Lot Not Occupied by Structure of Building

Signs permitted for each separate use of a lot not occupied by a structure or building shall be determined by the following formula:

Maximum gross area of sign =  $(W \times .75)$

Example: Assume a thirty (30) foot wide store facing one (1) street in a General Business District: Maximum gross area of signs equals  $30 \times 1.5 + 40 = 85$  square feet.

I. BUSINESS SIGN LOCATION AND SUPPLEMENTARY AREA REGULATIONS - Accessory signs in any business district shall be also controlled by location and supplementary area regulations as follows:

- 1. Wall signs - a single wall sign shall not exceed one hundred fifty (150) square feet in total area;
- 2. Protective signs shall be limited to not more than one (1) for each establishment or store unit and shall not exceed fifty (50) square feet in total area for each face visible from any location on a public way. Projecting signs shall be located not less than five feet from a side lot line and not less than ten (10) feet from any residential district boundary line. Signs shall not project into any dedicated right-of-way;
- 3. Pole signs may be located within required yards if approved by the Commission and shall be not less than ten (10) feet from any residential district boundary line. In Convenience and/or General Business Districts the maximum size of any face of a pole sign shall not exceed 70 square feet in area. The support for a pole sign shall not be located within, nor shall such sign project over, any dedicated right-of-way;

4. Canopy or covered walk signs may be attached to the soffit or fascia of a canopy or roof over a walkway structural member; however, the vertical dimension of such signs, including the fascia, shall not exceed five feet and the lowest member shall be not less than eight feet above the sidewalk grade;
  5. Ground signs shall not be located within required yards unless approved by the Commission. Any ground sign shall not be less than ten (10) feet from another business lot or street right-of-way line and not less than 20 feet from any residential district boundary line;
  6. Canopy signs for indoor theaters - The Commission shall determine the size, area, and design of signs for each indoor theater in accordance with Conditional Use Permit procedures set forth in Section 931 G of this Code;
  7. Permanent directional signs, indicating traffic routes and similar functions shall be permitted in addition to the other limitations of this section provided each sign does not exceed five square feet in area and is not closer than ten (10 ) feet of any lot or street right-of-way line;
  8. Temporary project signs not exceeding one hundred (100) square feet in total area for each street frontage shall be permitted if located on the lot which is occupied by the building or use promoted or if announcing a proposed structure or building or a structure or building under construction. Such project signs shall be located not less than 50 feet from the nearest residential lot line and not less than ten (10) feet from the nearest street right-of-way line. Permits for such signs shall be for a period not exceeding open year, however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within thirty (30) days of the commencement of the intended use; and,
  9. Other temporary signs announcing sales, new products or special business events may be permitted in addition to the maximum gross area of a permanent business sign, and may be placed on the inside of windows and doors and on the exterior of any structure or building, provided said signs are not displayed more than sixty (60) consecutive days.
- J. **AGRICULTURAL AND INDUSTRIAL DISTRICT SIGNS (A1, I1)** - Accessory signs in Agricultural and Industrial Districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with the schedule and regulations as follows:
1. Use Types Permitted
    - a) Directional signs of the type permitted and as regulated in business districts;
    - b) Service and Industrial signs, name plates and identification signs; and,
    - c) Real estate and project signs of a temporary nature.
  2. Structural Types Permitted - Wall or panel canopy, ground, projected and pole signs.
  3. Maximum Area and Number Permitted - The maximum gross area of all permanent signs permitted for each separate use occupying a structure or building, or a unit of a structure or building in any industrial district shall be directly related to the width of the structure or building or unit thereof as follows:
    - a) The maximum gross area of signs shall not exceed two (2) square feet for each lineal foot of structure or building frontage; and,
    - b) The maximum gross area of signs shall not exceed three (3) square feet for each lineal foot of the building frontage, provided, however, the maximum area of any permanent identification sign shall not exceed 500 square feet on the lot occupied by the structure or building to which the sign is accessory.
- K. **AGRICULTURAL AND INDUSTRIAL DISTRICT SIGN LOCATION** - Signs shall be located so as to maintain the same setback and yards as required for structures or buildings except one (1) commercial

or agricultural or industrial ground or pole sign may be permitted within the required yards if approved by the Commission.

Ground and pole signs shall be located not less than 20 feet from any adjacent residential district in an agricultural or industrial district.

A permanent ground or pole sign shall not be located closer than ten (10) feet to a public street right-of-way in any agricultural or industrial district. The design of wall or panel, canopy, ground, projected and pole signs in any agricultural or industrial district shall be in accordance with the standards set forth in Section 931 E of this Code.

1. Application for Permits - Application for permits to erect, place, paint, illuminate, or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be made either separately or with the application for a zoning or occupancy permit.

A sign permit shall be required for all permanent signs as follows:

- a) Residential districts - If the sign exceeds 20 square feet in area.
  - b) Business districts - If the total area of the sign exceeds one hundred (100) square feet in area. A permit shall not be required for placing permanent signs on the surface of windows or doors.
  - c) Agricultural or Industrial district - If the total area of the signs exceeds 300 square feet.
2. Each application shall be accompanied by drawings to scale, showing:
    - a) the design and layout proposed including the total area of the sign, the size, character, materials, and color of letters, lines and symbols;
    - b) the method of illumination, if any;
    - c) the exact location of the sign in relation to the structure or building and property; and,
    - d) details and specifications for construction, erection and attachment as may be required by the building.

In the development of a group of stores and services in any business district, a plan for the signing of said development shall be submitted to the Planning Commission for review and approval in accordance with the provisions set forth in Section 930 of this Code.

- L. **MAINTENANCE OF SIGNS** - All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they are intended, or which have been abandoned or are not maintained in accordance with this Code and other applicable regulations of the Village shall be removed by the latest permit holder or by the Village at the expense of such permit holder.
- M. **NONCONFORMING SIGNS** - A sign conforming as to the regulations prevailing on the effective date of this Code but which does not conform with the regulations of this Code or subsequent amendments shall be construed as a legal nonconforming sign.

Nonconforming signs may be maintained and structural parts repaired or restored to a safe condition if required and if a permit is issued provided, however, that any sign or parts thereof which has been blown down destroyed or otherwise taken down for any purpose shall not be rebuilt, re-erected or relocated unless it shall be made to comply with the provisions of this Code and the Building Code.

- N. **REMOVAL OF SIGNS** - Whenever the removal or maintenance of any permanent sign has been ordered by the Zoning Inspector, the person, firm or corporation who erected such a sign or on whose premises such a sign or display structure has been erected, affixed or attached shall remove or maintain such sign within thirty (30) days after receiving such notice. In the event of noncompliance, the Zoning Inspector may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign or on whose premises it was erected, affixed or attached and each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of said sign.



ARTICLE 1000

TITLE EFFECTIVE DATE

SECTION 1001 This ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PASSED July 23, 2007

ATTEST:   
(Ron Etzler, Clerk-Treasurer)

  
(Nancy Speice, Mayor)

ARTICLE 1100

TITLE ORDINANCE (SCHEDULE OF FEES)

ARTICLE 1200

TITLE ZONING MAP

ARTICLE 1300

TITLE LOT TERMS AND TYPES OF LOTS (Figure 4-1 A-E)

ARTICLE 1400

TITLE TYPES OF STREETS (Figure 4-2A)

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ARTICLE 1500

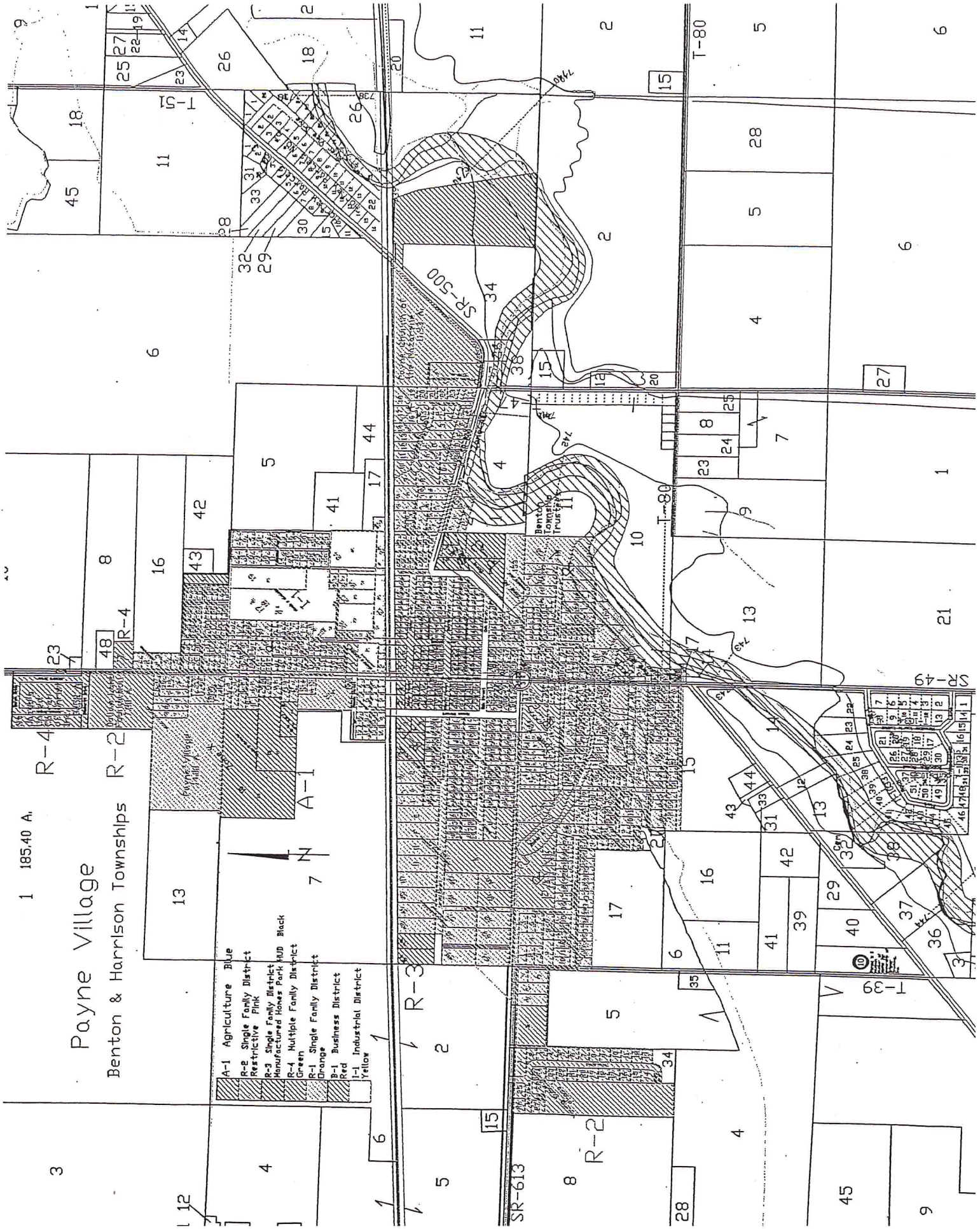
TITLE BUILDING HEIGHT TERMS & ROOF TYPES (Figure 4-3 A & B)

ARTICLE 1600

TITLE SIGN TYPES (Figure 4 - 4 A-B)

ARTICLE 1700

TITLE FLOOD PLAIN TERMS (Figure 4 - 5 A - B)



1 185.40 A.

# Payne Village

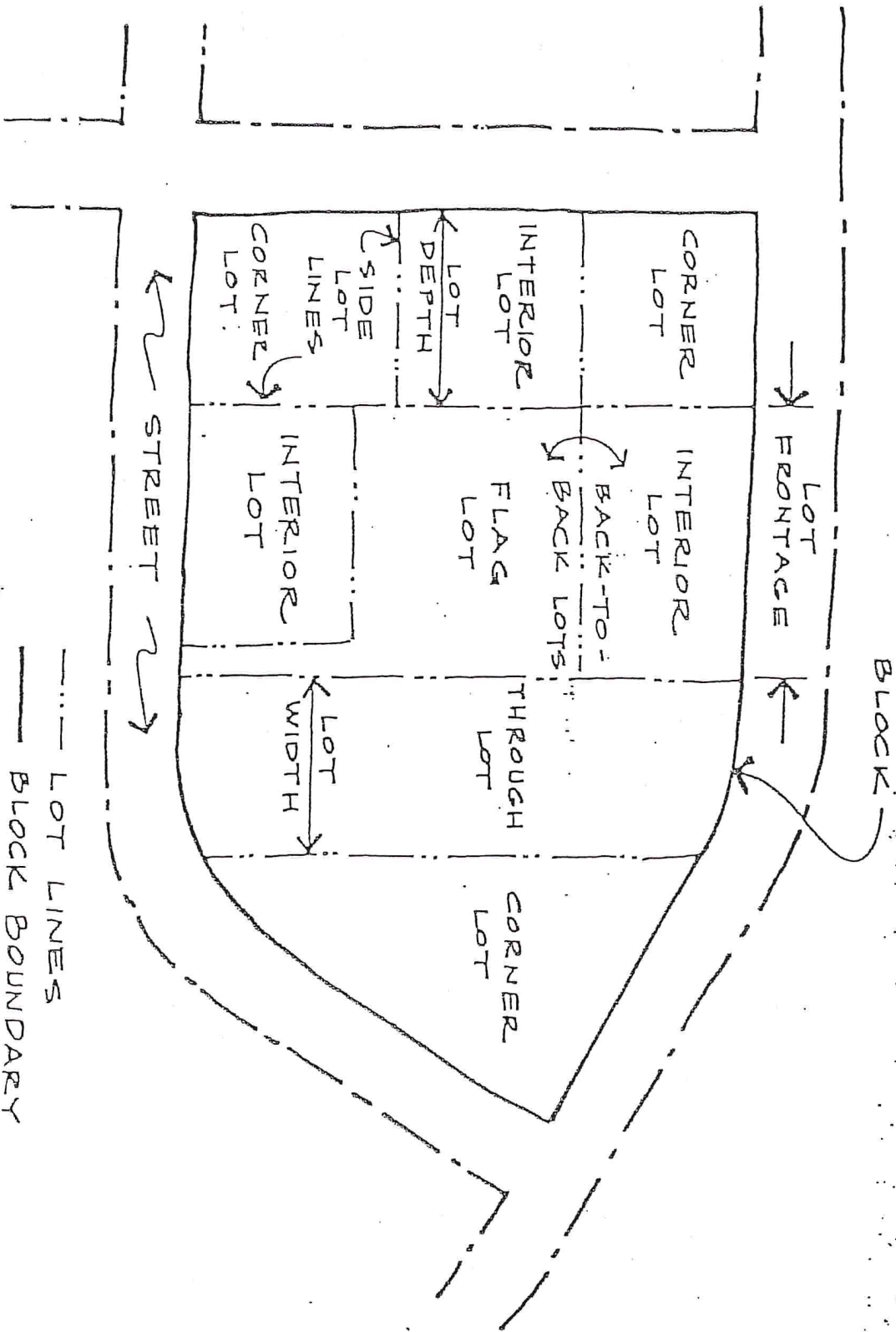
Benton & Harrison Townships

- A-1 Agriculture Blue
- R-2 Single Family District Restrictive Pink
- R-3 Single Family District Manufactured Homes Park Black
- R-4 Multiple Family District Green
- R-1 Single Family District Orange
- B-1 Business District Red
- I-1 Industrial District Yellow



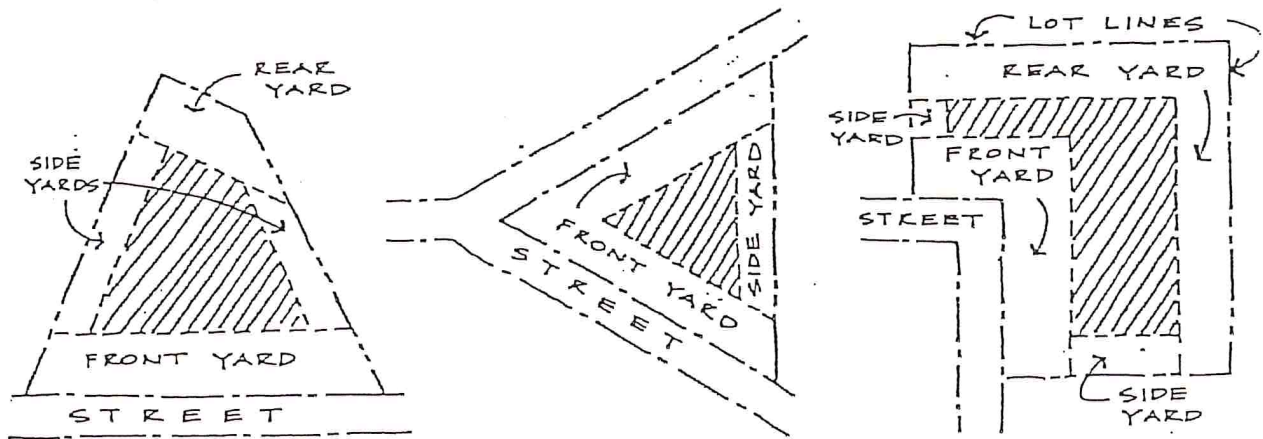
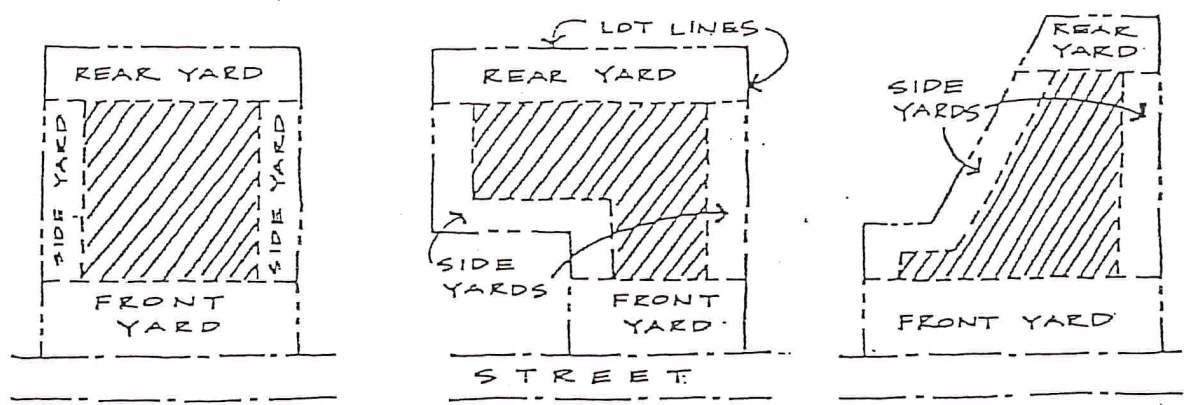
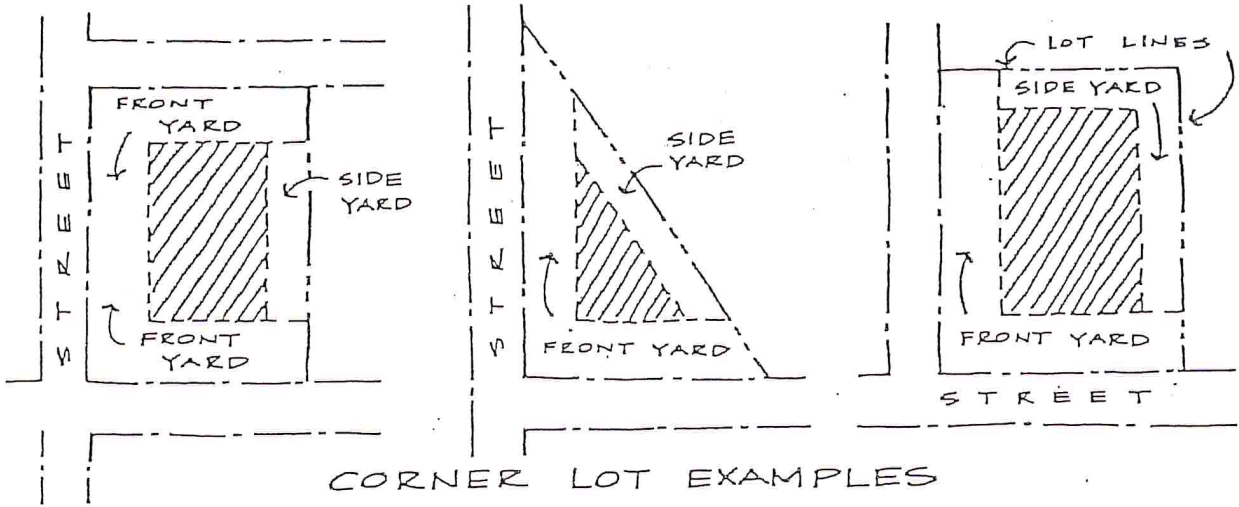
LOT TERMS & Types of LOTS

Figure A-1A



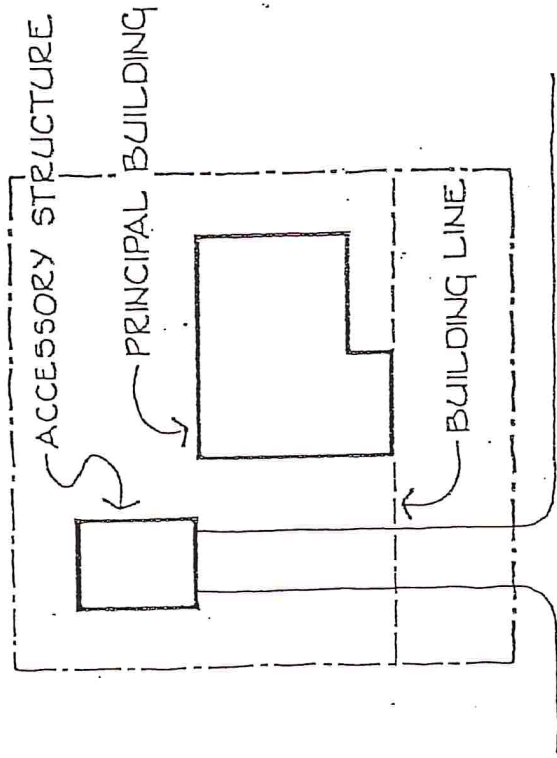
--- LOT LINES  
—— BLOCK BOUNDARY





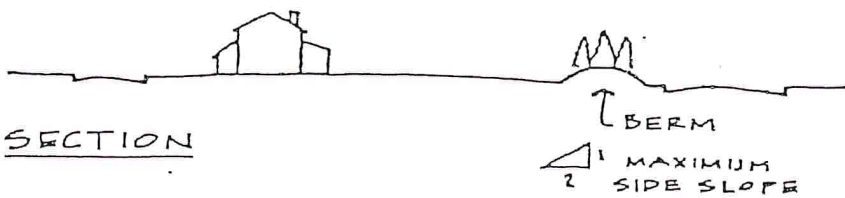
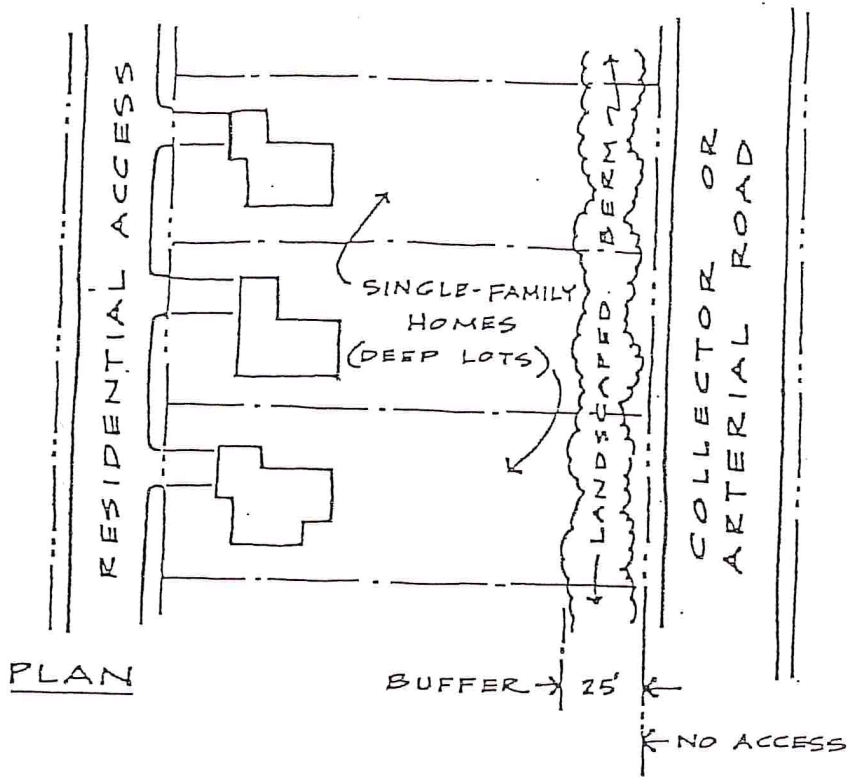
REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)



LOT TERMS & TYPES

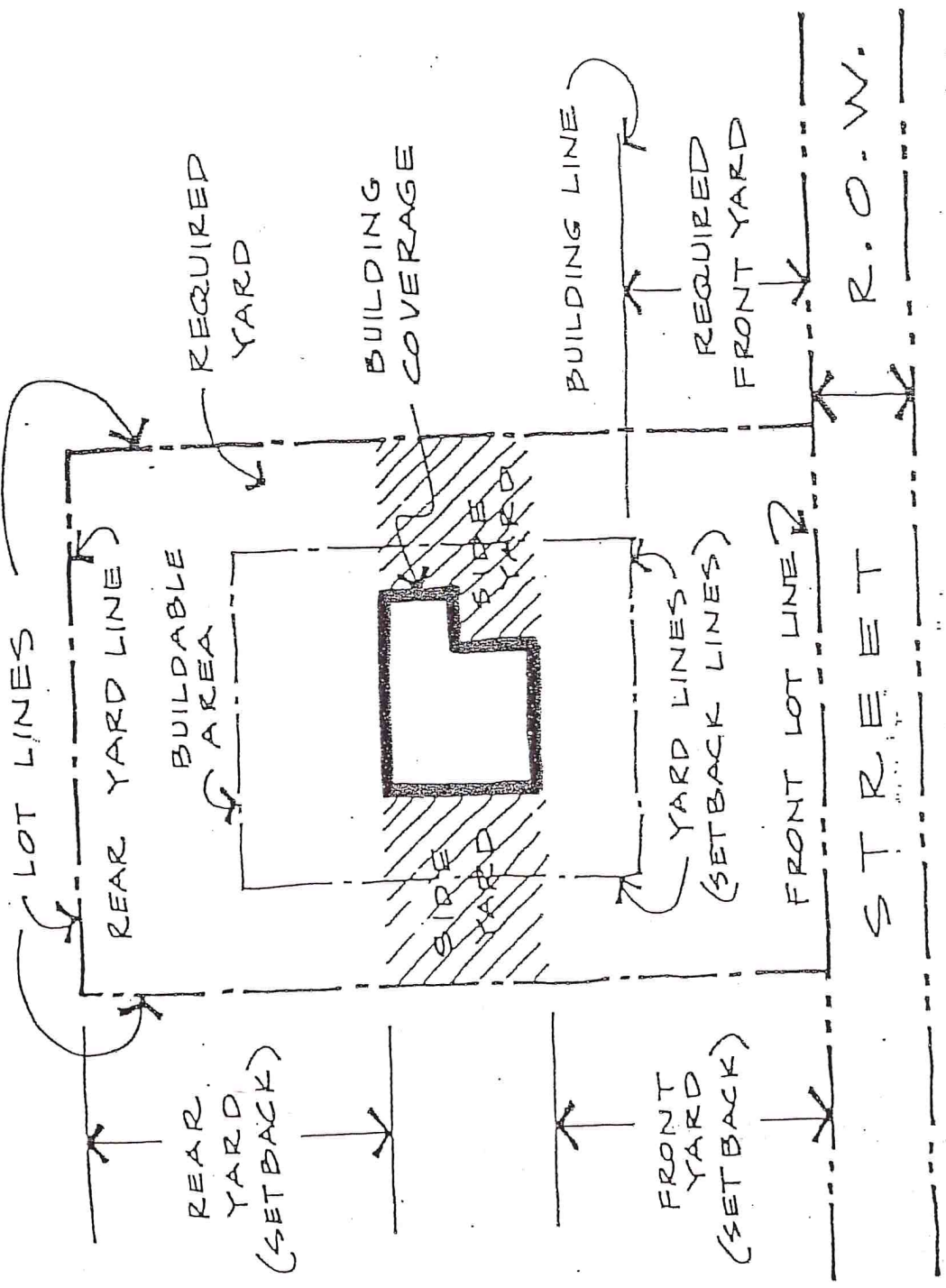
# LOT TERMS & TYPES



## REVERSE FRONTAGE LOTS

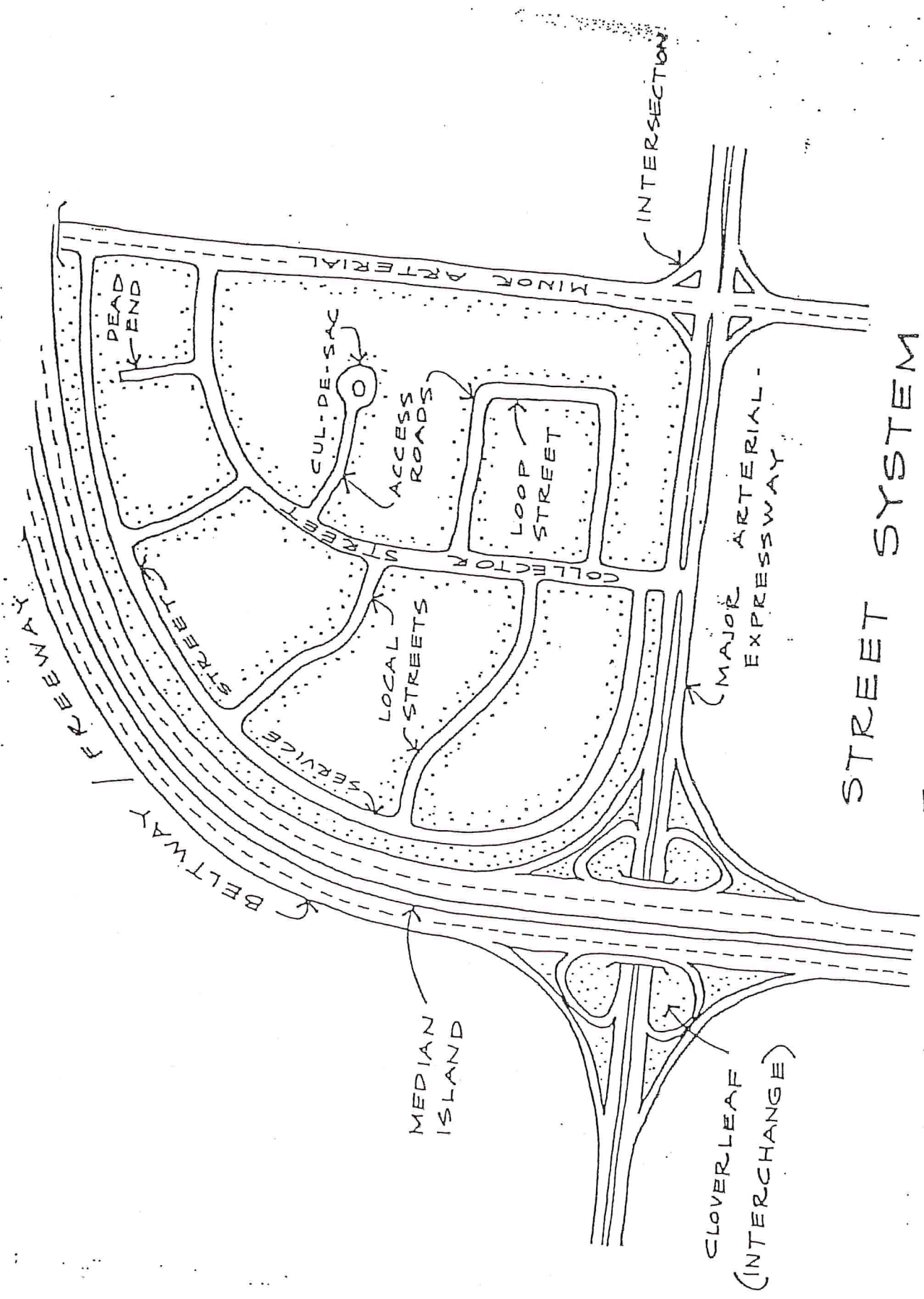
Figure 4-1D

ARTICLE 13000



LOT TERMS & TYPES

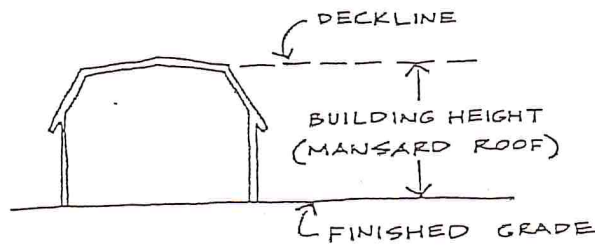
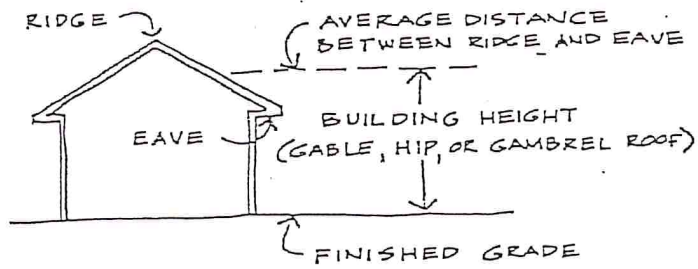
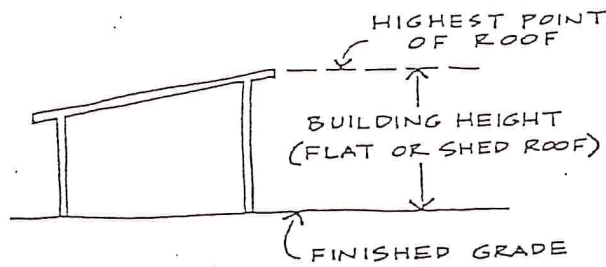
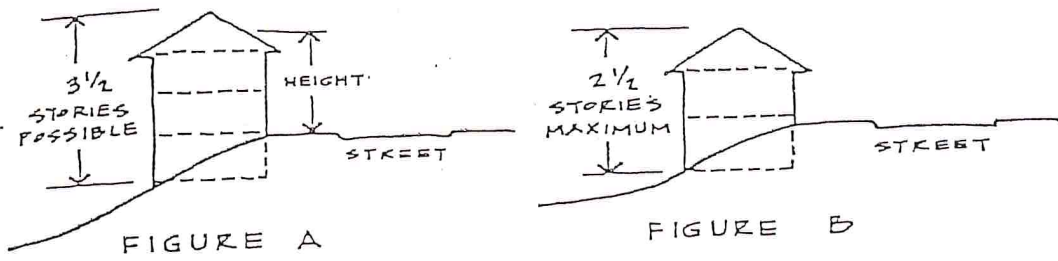
Figure A-1E



STREET SYSTEM  
 TYPES OF STREETS

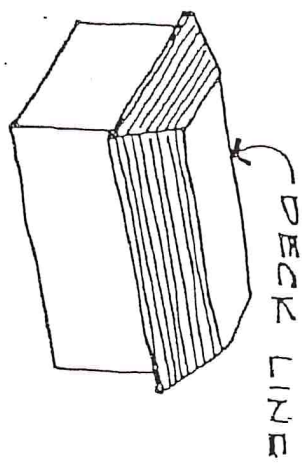
Figure 4-2A

1400

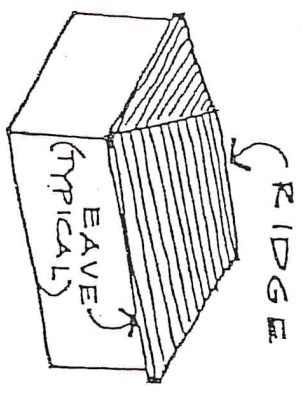


### BUILDING HEIGHT TERMS & ROOF TYPES

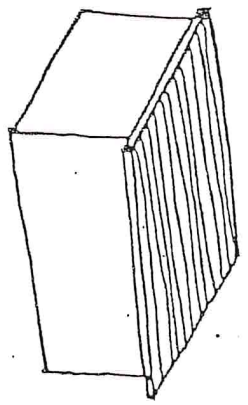
Figure 4-3.A



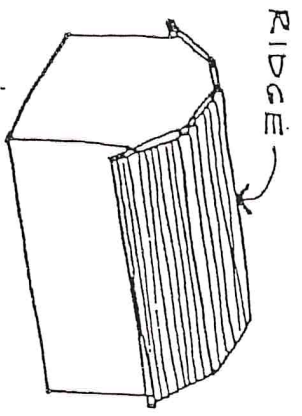
MANSARD



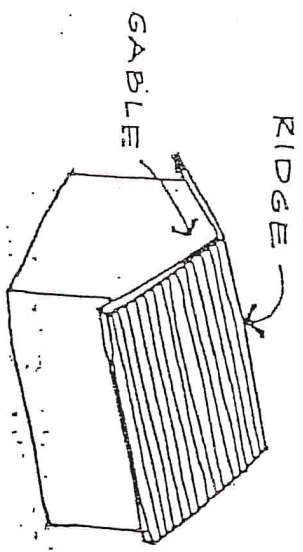
HIP



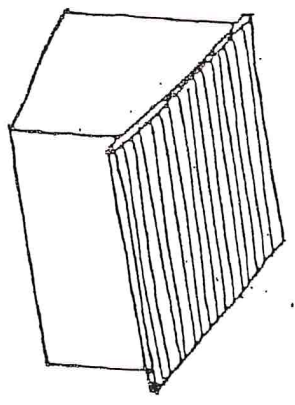
FLAT



GAMBREL



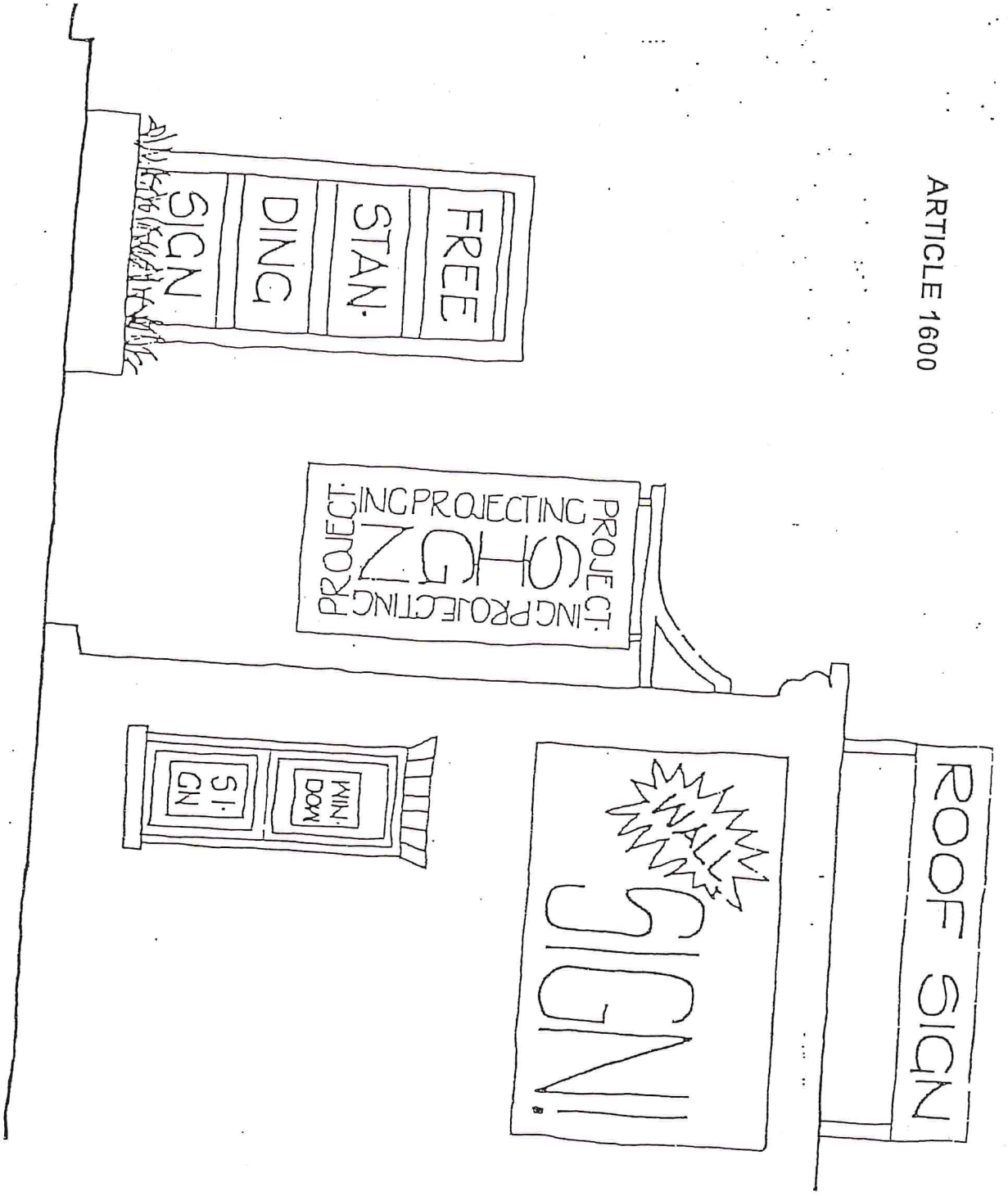
GABLE



SHED

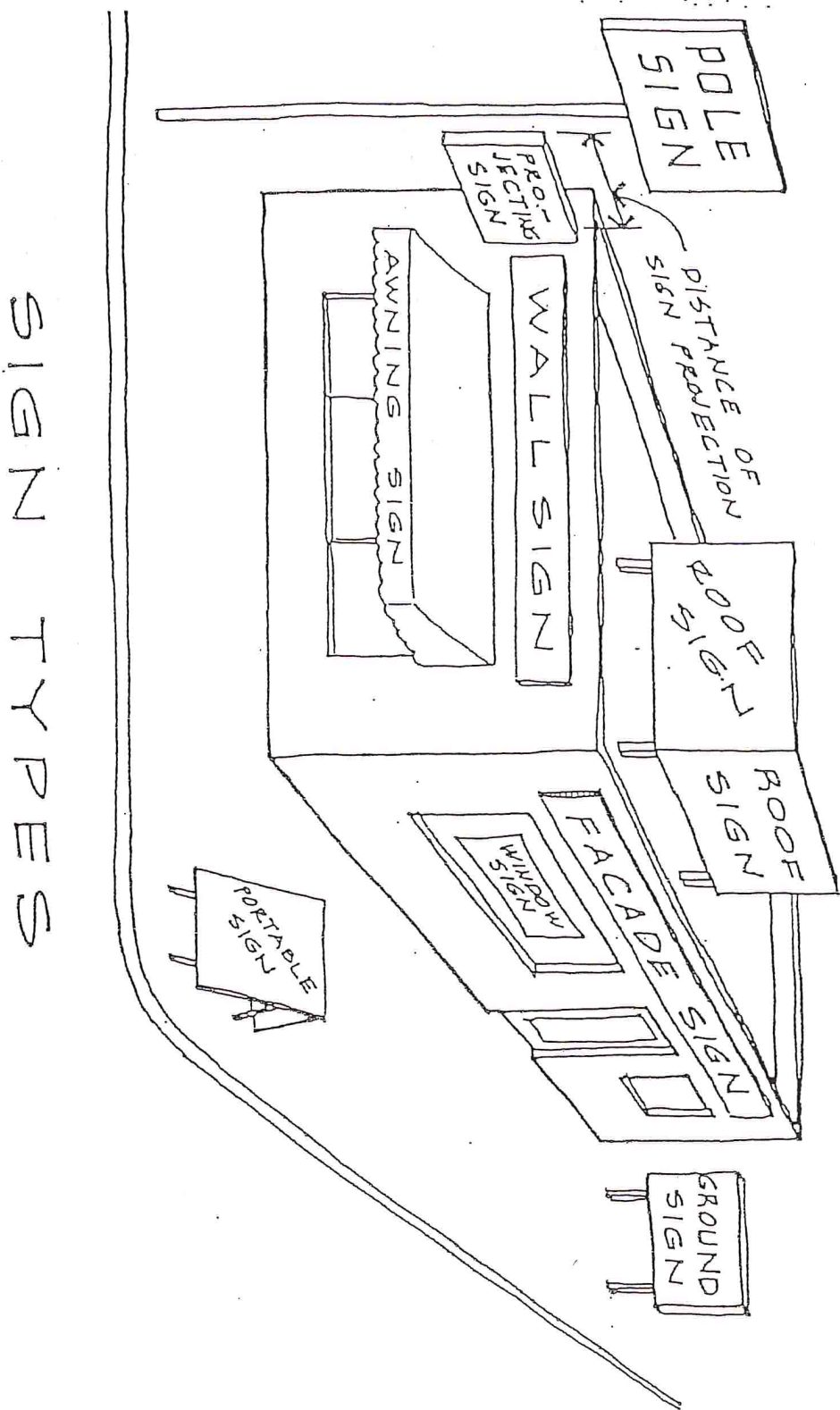
ROOF TYPES

Figure 4-38



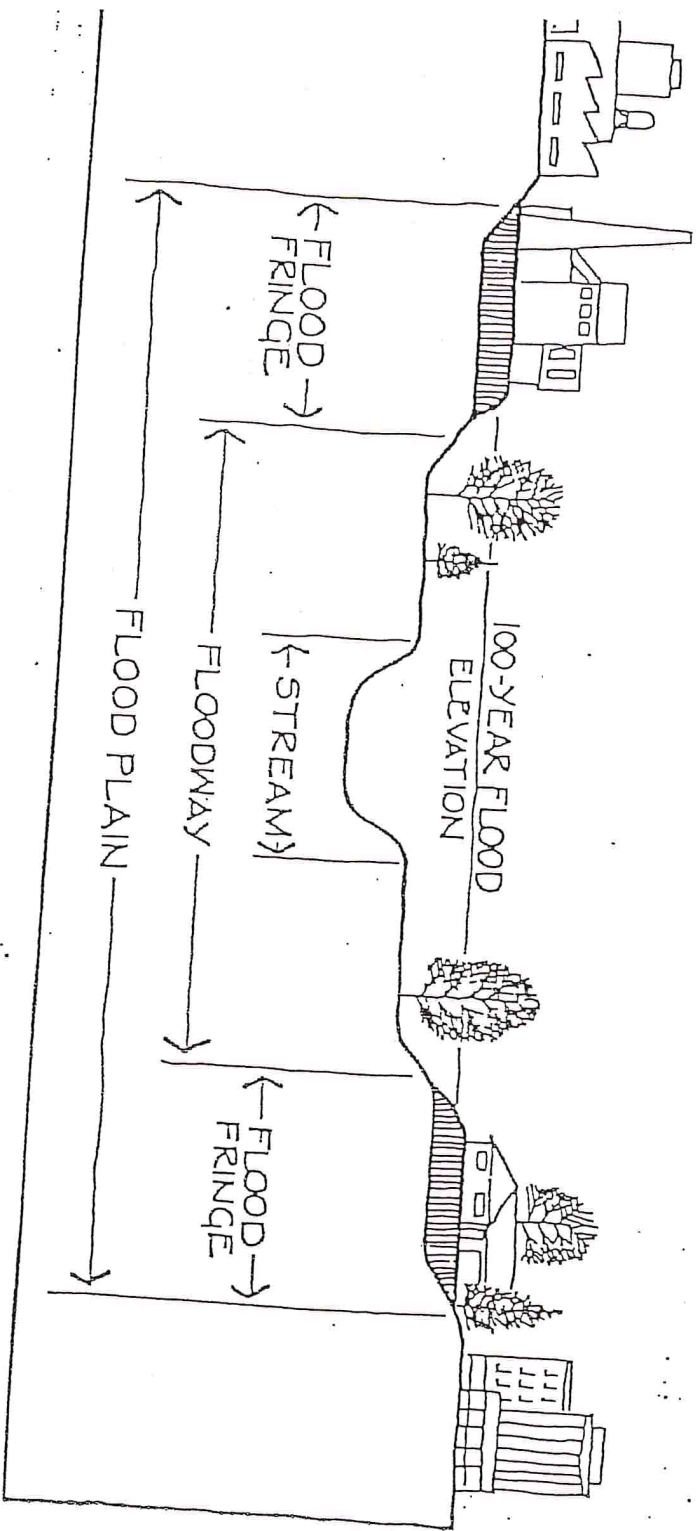
*Sign Types*





SIGN TYPES

Figure 4-4B



FLOOD PLAIN TERMS

Figure 4-5A

ORDINANCE NO. 2005-6

AN ORDINANCE AMENDING ORDINANCE 2005-5, THE ESTABLISHED SCHEDULE OF FEES, CHARGES, AND EXPENSES, AND A COLLECTION PROCEDURE FOR ZONING PERMITS, AMENDMENTS, APPEALS, VARIANCE, CONDITIONAL USE PERMITS, AND OTHER MATTERS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ZONING IN THE VILLAGE OF PAYNE, OHIO, AND REGULATING THE FEES PAID TO THE ZONING INSPECTOR FOR SERVICES AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Payne, Ohio has previously enacted Ordinance No. 2005-4 providing for zoning for the Village of Payne, Ohio and,

WHEREAS, Section 513 of said zoning plan as adopted by Ordinance No. 2005-4 requires that a separate Ordinance be enacted to establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, plan approvals, and other matters pertaining to the administration and enforcement of Ordinance No. 2005-4.

WHEREAS, it is imperative that the necessary fees required being collected under said zoning plan be immediately established so that the zoning plan adopted by the Council of the village of Payne, Ohio can be immediately implemented;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PAYNE, OHIO, PAULDING COUNTY, OHIO.

Section 1. That all the following fees shall be collected upon the initial application or appeal and no action shall be taken on any matter until the fee is paid.

Section 2. Be it further ordained that the fees shall be as follows:

- The fee for Fences shall be \$10.00.
- The fee for Garages, uninhabited buildings, etc. shall be \$25.00.
- The fee for Residential Homes (R-1) (R-2) and New Additions of shall be \$35.00.
- The fee for (R-1), (R-2) based Businesses shall be \$50.00.
- The fee for each Re-zoning Application, Industrial (I-1) and Business (B-1), Multiple Family District (R-4) and Mobile Home Parks (R-3) shall be \$100.00
- The fee for Signs (Residential, Commercial, Agricultural & Industrial) shall be \$25.00.
- The fee for each Appeal to the Board of Zoning Appeals shall be \$50.00.
- The fee for each Variance Application shall be \$50.00.

- The fee for each Conditional Use Permit shall be \$50.00.
- The fee for each Sub-division Plan Approval shall be \$25.00.

Section 3. It is further ordained that the fee schedule herein enacted shall be posted in the Office of the Mayor, Village Council and the Zoning Inspector, and, each fee shall be made payable to Clerk/Treasurer Village of Payne and given to the Zoning Inspector.

WHEREFORE, this Ordinance is hereby declared necessary for the immediate preservation of the public safety, health, peace and welfare of the Village and for the proper conduct of the Village's offices by reason of the need of having established fees and shall be therefore become effective immediately upon its passage.

PASSED: September 12, 2005

Nancy Speide, Mayor  
Nancy Speide, Mayor

ATTESTED BY:

Ronald Etzler  
Ronald Etzler, Clerk

ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING ORDINANCE NO. 2005-5, THE ESTABLISHED SCHEDULE OF FEES, CHARGES, AND EXPENSES, AND A COLLECTION PROCEDURE FOR ZONING PERMITS, AMENDMENTS, APPEALS, VARIANCES, CONDITIONAL USE PERMITS, AND OTHER MATTERS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ZONING IN THE VILLAGE OF PAYNE, OHIO, AND REGULATING THE FEES PAID TO THE ZONING INSPECTOR FOR SERVICES; REPEALING ORDINANCE NO. 2005-06; AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Payne, Ohio has previously enacted Ordinance No. 2005-4 providing for zoning for the Village of Payne, Ohio; and

WHEREAS, Section 513 of said zoning plan as adopted by Ordinance No. 2005-4 requires that a separate Ordinance be enacted to establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, plan approvals, and other matters pertaining to the administration and enforcement of Ordinance No. 2005-4; and

WHEREAS, Ordinance No. 2005-05 was adopted establishing the necessary fees required to be collected under said zoning plan and then was amended by Ordinance No. 2005-06; and

WHEREAS, it is necessary to amend said fees and charges to better reflect the actual cost incurred in administering said zoning in the Village of Payne, Ohio; and

WHEREAS, Council has approved a new schedule of fees and charges to better reflect the actual cost of administering zoning in the Village of Payne, Ohio; and

WHEREAS, Council believes that said new schedule should be adopted by Ordinance, and, Ordinance No. 2005-06 should be repealed.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PAYNE, OHIO, PAULDING COUNTY, OHIO.

Section 1. That Ordinance No. 2005-05 should be amended so that the zoning fees better reflect the current, actual cost of administering zoning within said Village.

Section 2. That the following fees shall be collected upon the initial application or appeal and no action shall be taken on any matter until the fee is paid.

- The fee for Fences and Decks and re-shingling of Roofs shall be \$25.00.
- The fee for Garages, uninhabited buildings, etc. shall be \$35.00.
- The fee for Residential Homes (R-1) (R-2) shall be \$75.00.
- The fee for Re-modeling and New Additions shall be \$50.00.
- The fee for (R-1), (R-2) based Businesses shall be \$100.00.


- The fee for each Re-zoning Application, Industrial (I-1) and Business (B-1), Multiple Family District (R-4) and Mobile Home Parks (R-3) shall be \$200.00.
- The fee for Signs (Residential, Commercial, Agricultural & Industrial) shall be \$30.00.
- The fee for each Appeal to the Board of Zoning Appeals shall be \$100.00.
- The fee for each Variance Application shall be \$100.00.
- The fee for each Conditional Use Permit shall be \$150.00.
- The fee for each Sub-division Plan Approval shall be \$250.00.

Section 3. That the fee schedule herein enacted shall be posted in the Office of the Mayor, Village Council and the Zoning Inspector, and, each fee shall be made payable to the Fiscal Officer of the Village of Payne, Ohio.

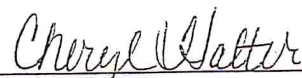
Section 4. That Ordinance No. 2005-06 be and hereby is repealed.

Section 5. That this Ordinance is hereby declared necessary for the immediate preservation of the public safety, health, peace and welfare of the Village and for the proper conduct of the Village's zoning plan by reason of the need of having established fees, and, this Ordinance shall be therefore become effective immediately upon its passage.

PASSED: 3/23/2015

  
 \_\_\_\_\_  
 Terry Smith, Mayor

Attested:

  
 \_\_\_\_\_  
 Cheryl Halter, Fiscal Officer