

ZONING ORDINANCE

VILLAGE OF WEST FARMINGTON, OHIO

PREPARED FOR:

VILLAGE OF WEST FARMINGTON PLANNING  
COMMISSION

PREPARED BY:  
COMMUNITY DEVELOPMENT PLANNERS  
224 FIRST STREET, N.E.  
MASSILLON, OHIO 44646  
Revised 04/02/2022

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## TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
Ordinance	5
1. Construction of Language and Definitions	6
Section 1.01 Construction of Language	6
Section 1.02 Definitions	7
2. Zoning Districts and Map	35
Section 2.01 Districts Established	35
2.02 District Boundaries	35
2.03 District Boundaries Interpreted	35
2.04 Zoning of Annexed Areas	36
2.05 Zoning of Vacated Areas	36
2.06 District Requirements	37
P Parks and Outdoor Recreation	37
Section 2.07 Intent	37
2.08 Principal Uses Permitted	37
2.09 Special Conditions	37
AO Agriculture and Open Space	38
Section 2.10 Intent	38
2.11 Principal Uses Permitted	38
2.12 Special Conditions	38
2.13 Prohibited Uses	39
R One- and Two-Family Residential District	39
Section 2.14 Intent	39
2.15 Principal Uses Permitted	39
2.16 Special Conditions	41
2.17 Area and Bulk Requirements	44

RM Multiple Family Residential District	44
Section 2.18 Intent	44
2.19 Principal Uses Permitted	45
2.20 Required Conditions	45
2.21 Special Conditions	45
2.22 Area and Bulk Requirements	47
B Business District	47
Section 2.23 Intent	47
2.24 Principal Uses Permitted	47
2.25 Required Conditions	49
2.26 Special Conditions	49
2.27 Area and Bulk Requirements	49
I Light Industrial District	51
Section 2.28 Intent	51
2.29 Permitted Uses	52
2.30 Conditions	53
2.31 Prohibited Uses	53
2.32 Area and Bulk Requirements	54
Reproduction of Original Zoning Map	55
3. Schedule of Regulations	56
Section 3.01 Minimum Height, Bulk, Density and Area by District	56
3.02 Averaged Size Lot	58
4. General Provisions	59
Section 4.01 Conflicting Regulations	59
4.02 Scope	59
4.03 Accessory Buildings	59
4.04 Corner Clearance	61
4.05 Residential Entranceway	61
4.06 Fences	61
4.07 Frontage on a Public Street	65

4.08	Exterior Lighting	65
4.09	Non-conforming Lots, Uses, Structures	65
4.10	Off-Street Loading and Unloading	69
4.11	Off-Street Parking Requirements	69
4.12	Off-Street Parking Space Layout, Standards	75
4.13	Public Utility Uses	78
4.14	Sewage Disposal Requirements	78
4.15	Signs	79
4.16	Site Plan Review	82
4.17	Access to a Major Thoroughfare	84
4.18	Owner or Occupant to Keep land Clean	84
4.19	Junk or Junk Vehicles on Premises Prohibited	84
5.	General Exceptions	89
Section 5.01	Access through Yards	89
5.02	Area, Height, and Use Exceptions	89
5.03	Essential Services	89
5.04	Height Limit	89
5.05	Lot Area	89
5.06	Lots Adjoining Alleys	90
5.07	Porches	90
5.08	Projections into Yards	90
5.09	Voting Place	90
5.10	Yard Regulations	90
5.11	Dog regulations	90
5.12	Yard and business grass	91
6.	Conditional Use Permits	91
Section 6.01	Purpose	91
6.02	Procedures for Making Application	91
6.03	Basis of Determination	93
7.	Administration and Enforcement	93
Section 7.01	Zoning Inspector	95
7.02	Duties of Zoning Inspector	95
7.03	Board of Zoning Appeals	95
7.04	Submission of Applications	95
7.05	Zoning Permits Required	95

7.06	Certification of Occupancy	97
7.07	Fees	97
7.08	Failure to Obtain Permit	100
7.09	Revocation of Permits	100
7.10	Refund of Permit Fees	101
8.	Enforcement, Penalties, and Other Remedies	101
Section 8.01	Violations	101
8.02	Public Nuisance Per Se	102
8.03	Fines, Imprisonment	102
8.04	Each Day a Separate Offense	103
8.05	Rights and Remedies are Cumulative	103
8.06	Severance Clause	103
9.	Board of Zoning Appeals	103
Section 9.01	Creation and Membership	103
9.02	Meetings	104
9.03	Appeal	104
9.04	Jurisdiction	104
9.05	Notice of Hearings	107
9.06	Considerations	107
9.07	Decisions	108
9.08	Appealing Decision of Board	108
10.	Changes and Amendments	109
Section 10.01	General	109
10.02	Details of Procedure	109
10.03	Applications fees	111
10.04	Reference and Hearing	111
10.05	Change in Recommendation	111
10.06	Notice of Final Disposition	112
10.07	Publication and Record of Changes	112
10.08	Reconsideration	112
10.09	Interpretation	112
10.10	Vested Right	112
11.	Effective Date	113

VILLAGE OF WEST FARMINGTON, OHIO  
Ordinance No. 288-1981

By: Community Development Committee

Title: AN ORDINANCE enacting a ZONING CODE under Chapter 713 of the State of Ohio Revised Code, as amended, governing the incorporated portions of the Village of West Farmington, Trumbull County, Ohio to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semi-public or specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size and appearance of yards, courts, and open spaces.

to regulate and limit the density of population; and for said purposes to divide the Village into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions, and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

WHEREAS, Pursuant to the authority conferred by the State of Ohio Revised Code in such case made and provided, and for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity, and general welfare of the inhabitants of the Village of West Farmington by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of populating; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, and;

WHEREAS, the Planning Commission of the Village of West Farmington, Ohio at a meeting held on January 10, 1983 approved this ZONING CODE, and;

WHEREAS, a public hearing was held by this Council, after notice was duly given, on the 5<sup>th</sup> day of April 1983, on the adoption of said ZONING CODE, now; therefore, We will have to revise this to the new adoption date.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WEST FARMINTON, OHIO  
IN REGULAR SESSION SITTING, TWO-THIRDS OF THE MEMBERS CONCURRING:

That there be and hereby are enacted the following ZONING CODE consisting of SECTION  
1.01 through SECTION 11.00.

## ZONING CODE

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### SECTION 1.01 CONSTRUCTION OF LANGUAGE:

- A. The following rules of construction apply to the text of this ORDINANCE:
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word “shall” be always mandatory and not discretionary. The word “may” is permissive.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates contrary.
- F. A “building” or “structure” includes any part thereof.
- G. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “Maintained for”, or “occupied for”.
- H. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either.... or”, the conjunction shall be interpreted as follows:
  - a. “and” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combinations.



- c. “Either.... or” indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.

J. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 1.02 DEFINITIONS:

Accessory Use, or Accessory: An “accessory use” is a use which is early incidental to customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When “Accessory” is used in the text, it shall have the same meaning as accessory use.

An accessory use included, but is not limited to, the following:

- a. Residential accommodations for servants and/or caretakers.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- e. Storage or merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- f. Storage of goods used in or produced by the industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.

- h. Uses clearly incidental to a main use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Alley: Any dedicated public way less than twenty (20) feet in width.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girder, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Apartments: A suite or rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Auto Repair Garage: A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Block: The property abutting one side of a street and lying between the two nearest interesting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Building: Any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof for the flat roofs; to the deck line of a mansard roof; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

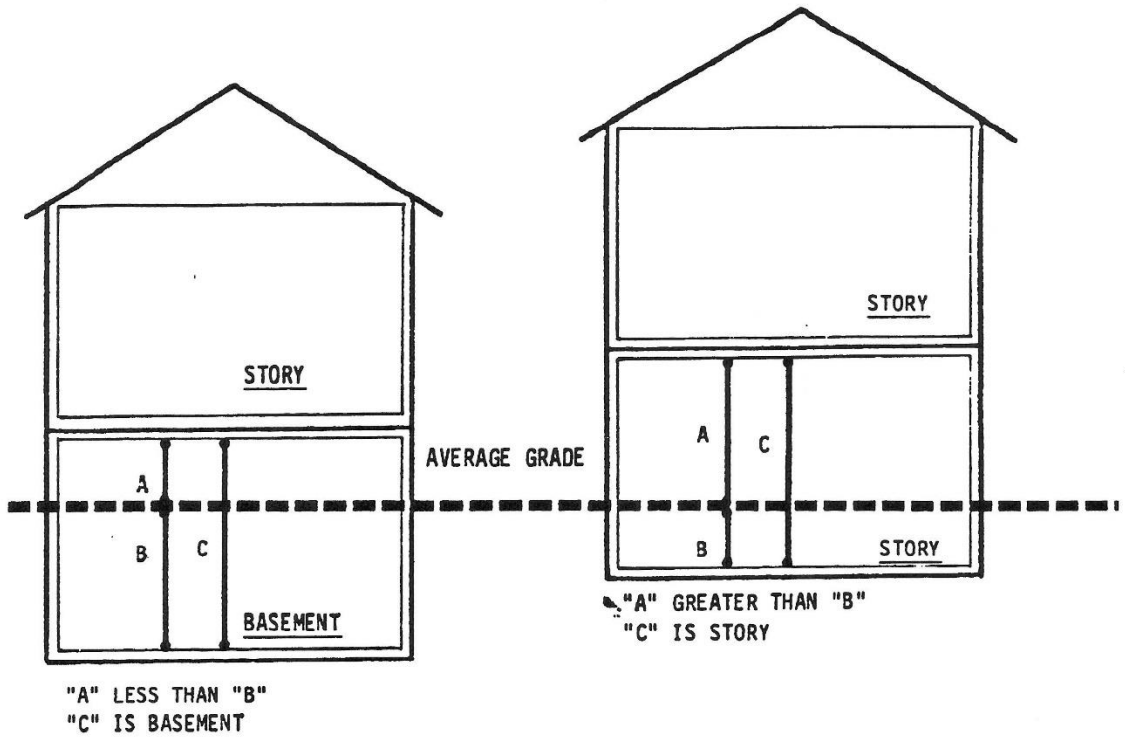
Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Carport: A covered automobile parking space not completely sided by walls or doors. A carport shall be subject to all the provisions prescribed in this Ordinance for a private garage or accessory building.

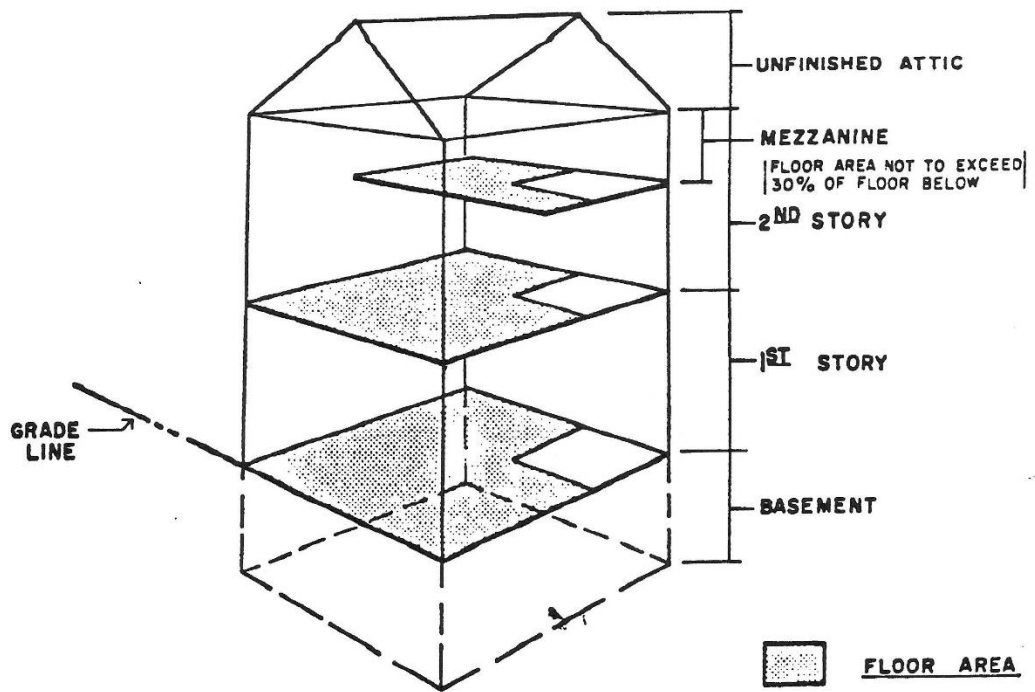
Certificate of Occupancy: A statement signed by the Building Inspector, setting forth that either a structure or zoning lot, or both, may lawfully be employed for specific uses. Such structure(s) and use shall conform to the provisions of this Ordinance.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

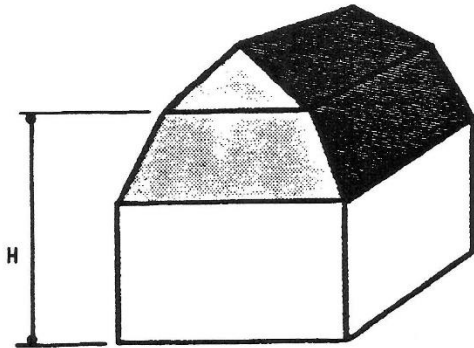
Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.



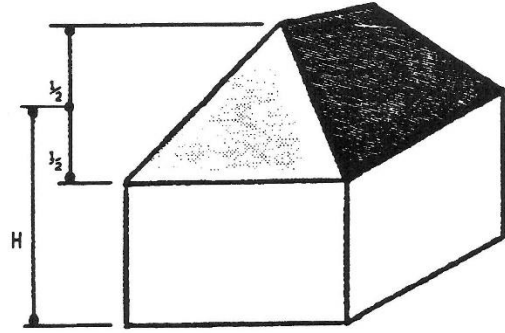
BASEMENT & STORY



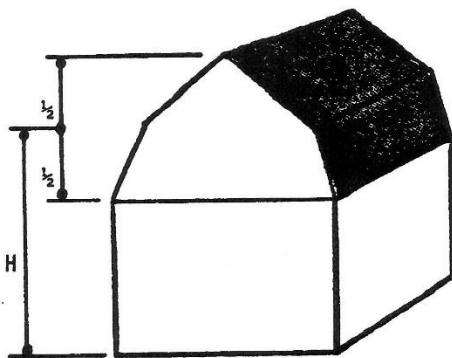
**BASIC STRUCTURAL TERMS**



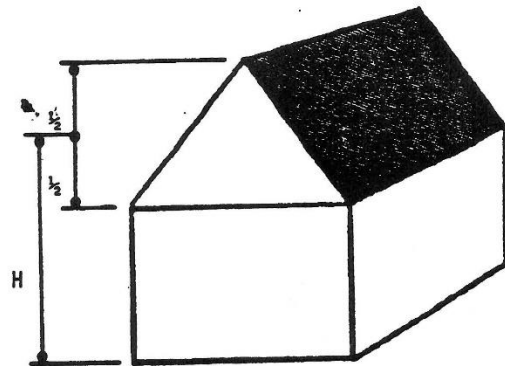
MANSARD ROOF



HIP ROOF



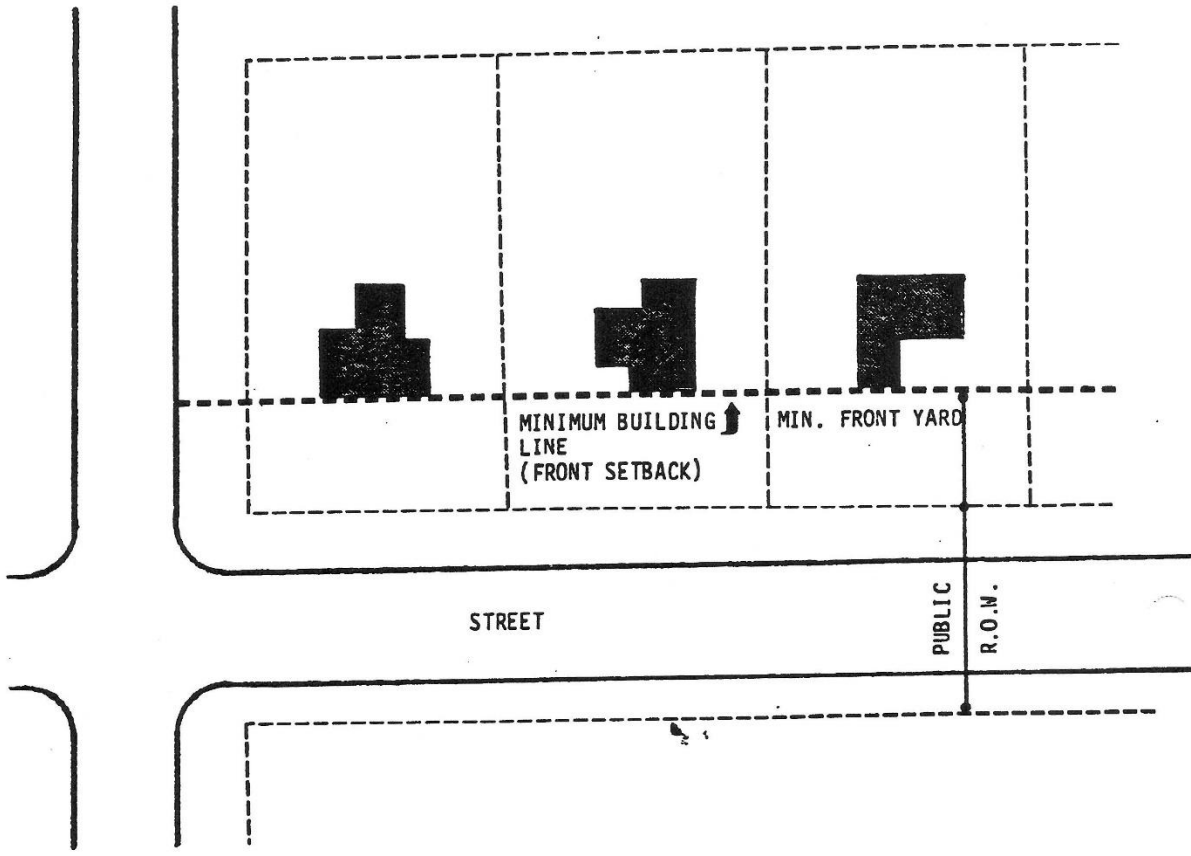
GAMBREL ROOF



GABLE ROOF

H=HEIGHT OF BUILDING

BUILDING HEIGHT



BUILDING LINE

Conditional Use: A conforming use of buildings and/or land which by the nature of it would not be allowed generally or without restrictions throughout the zoning districts, but which, if controlled as to the number, area, location, or relations to the neighborhood would promote the public health, safety, welfare, other comforts, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses but require approval by the Board of Zoning Appeals in order to determine their effect upon existing adjacent uses.

Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

Council: West Farmington Village Council

Crosswalk: See Walkway.

Cul-De-Sac: Vehicular turn-around at the end of a street.

Culvert: A transverse drain that channel under a bridge, street, or driveway.

Dead-End Street: 1. Permanent – A dead-end street of short length having one end open to traffic and the other end terminating in a vehicular turn-around. 2. Temporary – A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the incorporated area of the Municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles ~~so as~~ to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.



Dwelling, One - Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Easement: A given right by the owner of the land for the specified use of said land to a corporation, to a partnership, to a person or persons, or to the public.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14, Ohio Revised Code.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or Municipal departments of underground, surface, or overhead gas, electrical, stream, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing or adequate service by such utilities or Municipal departments for the general health, safety, or welfare.

Excavation: Any breaking of ground, Except common household gardening, farming and ground care.

Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related living together in the whole or part of a dwelling unit. Every additional group of two or less persons living in such dwelling unit shall be considered a separate family for the purpose of this Ordinance.

Farm: The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

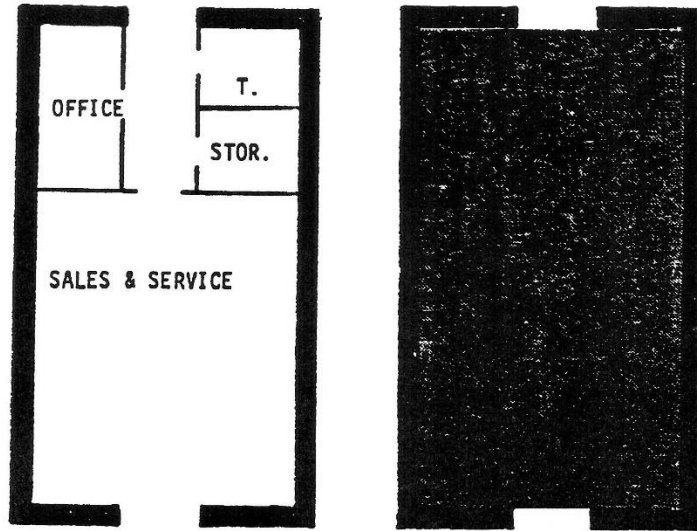
Fence: A structure for enclosing or limiting from view, the same as “wall” and “screen”.

Flood Plain: An area of low-lying ground adjacent to a river, formed mainly of river sediments and subject to flooding.

Floor Area, Gross (For the purposes of computing parking): The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the center line of common walls separating two (2) building. Gross floor area shall not include garages, attic space, terraces, breezeways, open porches, and uncovered steps.

Floor Area Ratio: The ratio of the floor area of a building to its lot area. For example: When a floor-area ratio of five-tenths (0.5) is specified, the floor area of a building constructed on a lot of ten thousand (10,000) square feet in area is limited to a maximum of five thousand (5,000) square feet. The number of stories being optional, the building area may be five thousand (5,000) square feet for one (1) story; twenty-five hundred (2,500) square feet for each of two (2) stories, and so forth. The purpose of this ratio is to control the bulk of building's and encourage the development of open space or plazas about structures.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.



TOTAL FLOOR AREA

FLOOR AREA

Frontage: All the property on one side of a street between two intersecting streets, measured along the line of the street; or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead-end of a street.

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

Garage, Service: Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are quipped for operation, repaired, or kept for renumeration, hire, or sale.

Gasoline Service Station: A place for dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Group Dwelling: A facility or home which provides resident services to a group of individuals of whom one or more are unrelated and may provide additional supervised programming services. These individuals may be mentally retarded, releases from State Institutions, juvenile offenders, drug or alcoholic offenders, or wards of the court or welfare system who are undergoing rehabilitation and/or are being provided services to meet their needs. This category includes, but is not limited to, facilities commonly referred to as “halfway houses” or “group homes”. A group dwelling shall be classified under the following two categories:

- a. “Family residential social service facility” which means a residential facility for three or fewer individuals, excluding the resident family or supervisor(s).
- b. “Group residential social service facility which means a residential facility for four or more unrelated individuals, excluding resident, the resident family, or supervisor(s).

Hedge: Any row, line, or cluster of shrubs and/or plants placed close together ~~so as~~ to form a continuous and intermingled growth.

High-Rise Apartment: A multiple-family dwelling with not less than five stories above the ground entrance of the principal entrance.

Home Occupation: An occupation in a dwelling unit which offers skilled services to clients or provides homemade or small products to clients provided:

No persons other than members of the family residing on the premises shall be engaged in such Occupation such as listed below, but not limited to:

- a.
  1. Instructor in voice and/or musical instrument limited to a single pupil at a time.
  2. Dress maker, Seamstress
  3. Real Estate
  4. Insurance
  5. Income Tax Preparation
  6. Notary Public
  7. Beauty Operator
  8. Photographer
  9. Professional Consultant
- b. One person other than members of the family residing on the premises shall be permitted to be engaged in the assistance of such occupations as:
  1. Physician
  2. Surgeon
  3. Dentist
  4. Attorney
  5. Chiropractor
  6. Architect
- c. Borderline cases shall be ruled on by the Board of Zoning Appeals.
- d. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its

occupants, and not more than twenty-five percent (25%) of the gross floor area of one floor of the dwelling unit shall be used in conduct of the home occupation.

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Note Signs are well defined in section 4.15 for all districts.

- e.
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and nay need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other single-family residence.
- h. Any person desiring to conduct a home occupation in a residential district shall first apply to the Zoning Inspector for a permit.
- i. The fee for a home occupation permit is twenty-five dollars (\$25) and shall be paid to the Zoning Inspector who shall deposit it to the credit of the General Fund.

Hospital: An institution in which patients or injured persons are given medical or surgical care. Beds for temporary or prolonged stays are available.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered.

- a. Mail Service
- b. Furnishing of Linen
- c. Telephone, Secretarial, or Desk Service
- d. Bellboy Service.

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to ~~to~~ scrap iron and other metals, paper, rags, rubber tires and bottles. A “Junk Yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premise on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold on an ongoing basis.

Loading Space: An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and used accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135°) degrees.

Lot Coverage: The part of percent of the lot occupied by a building including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Interior: Any lot other than a corner lot.

Lot of Record: A parcel of land, the dimensions of which are shown on a document, map, or plate on file with the County Recorder's Office or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot - Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

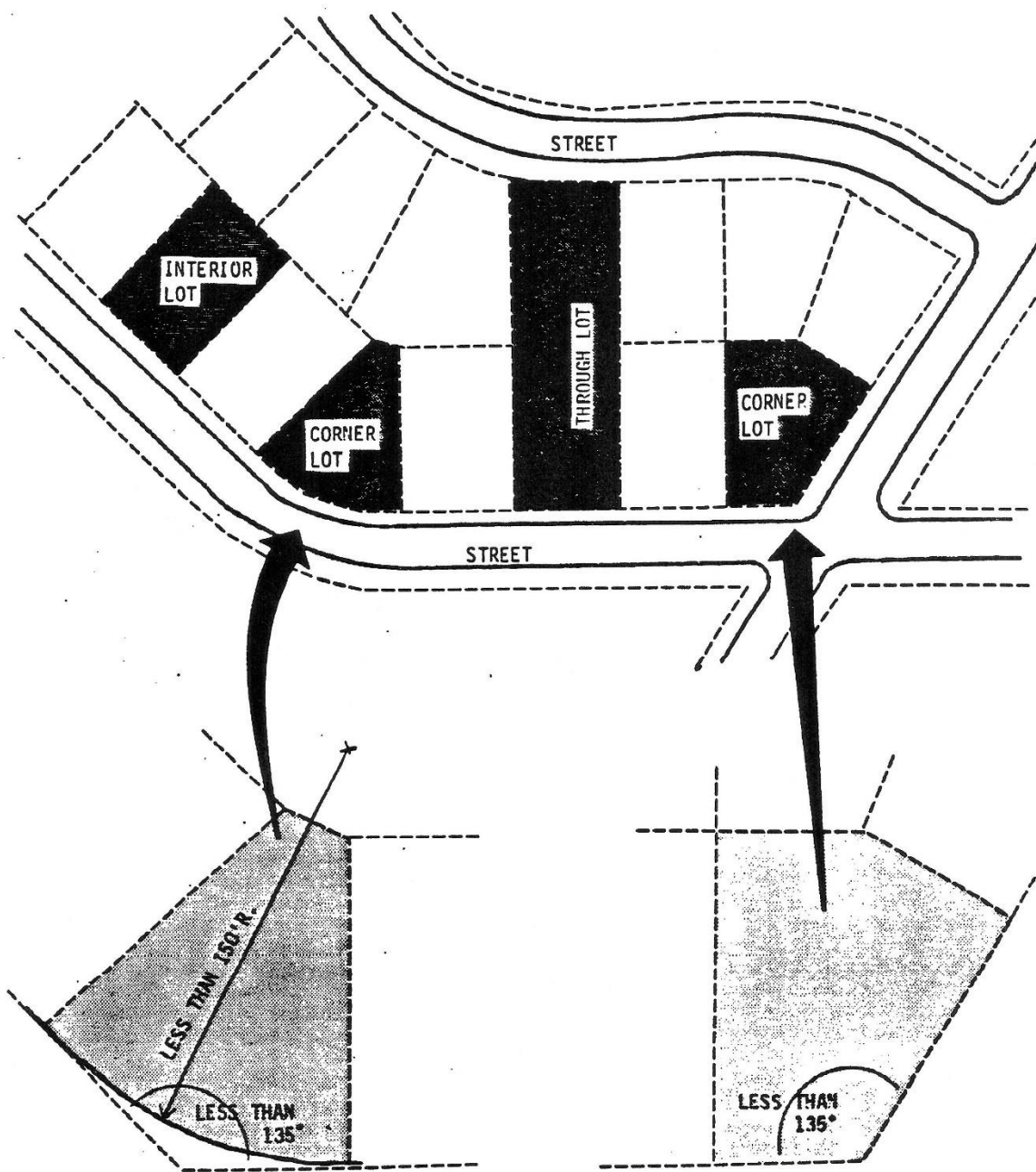
Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Recorder's Office, but may include one or more lots of record.

Lot Line: The lines bounding a lot as defined herein:

- a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
- b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



INTERIOR, THROUGH, & CORNER LOTS



Main (Principal) Building: A building in which is conducted the main or principal use of the lot upon which it is situated.

Main (Principal) Use: The main or principal use to which the premises are devoted and the principal purpose for which the premises exist.

Master Plan: The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality, and includes any unit or part of such plan, and nay amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or Legislative Body.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mobile Home (Trailer Coach): Any vehicle designed, used, or so constructed as to permit its being used a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile Home Park (Trailer Court): Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Municipality: The Village of West Farmington, Ohio

Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance. And that does not conform to the provisions of the Ordinance in the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursery, Plant Materials: A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does

not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibrations, (i) shock waves, (j) heat, (k) radio wave interference (l) electronic or atomic radiation (m) objectionable effluent, (n) noise of congregation of people, particularly at night. (o) passenger traffic, (p) invasion of non-abutting street frontage by traffic, (q) debris.

Off-Street Loading Space: An on-property space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall not be less than ten (10) feet in width, fourteen (14) feet in height, and forty-five (45) feet in length, exclusive of access aisles and maneuvering space.

Off- Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

Out Lot: A lot included within the boundary of a recorded plot which has been set aside as a park or other land dedicated to public use or reserved to private use.

Package Wastewater Treatment: A self-contained sewage treatment facility capable of handling larger than average volumes of waste from apartments, schools, allotments, businesses, etc., for which a septic system would not be adequate and/or sanitary sewer is (was) not available.

Parking Space: An area of definite length and width, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

Planned Unit Development: A development which is planned to integrate residential uses with collateral uses, and in which lot size, setback lines, yard areas and dwelling types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

Planning Commission: Village of West Farmington Planning Commission.

Public Utility: A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Right-of-Way: The strip of land taken or dedicated for use as a public or private 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) as grade separation, landscaped areas, viaducts, and bridges.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room, or bedroom, equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provision, corridors, hallways, and storage. Plans presented showing 1, 2, or 3-bedroom units and including a “den”, “library”, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Sanitary Sewer: Sewage disposal through a system of lateral and trunk pipes directly to a Wastewater Treatment Center.

School: Any educational institution accredited by the Ohio Department of Education and institutions of high education and Amish.

Septic System: An individual, limited capacity sewage disposal system, usually consisting of a tank (s) and leaching bed, for purifying wastewater on the same lot(s) as its source.

Setback: The distance required to obtain front, side, or rear yard open space provisions of this Ordinance.

Shoulder: The portion of the roadway contiguous with the traveled way for the accommodation of stopped vehicles, for emergency uses, and for lateral support of base and surface courses.

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

Signs: Any device designed to inform or attract the attention of persons not on the premises where the sign is located. Signs are classified according to contents and use as follows:

- a) “Accessory Sign” means any sign related to business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- b) “Non-accessory Sign” means any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- c) “Bulletin Board Sign” means an announcement sign directing attention and located on the premises of a public or semi-public institution.
- d) “Advertising Sign” means a sign which directs attention to a business, the same lot.
- e) “Business Sign” means a sign which directs attention to a business, profession, commodity, or entertainment conducted, sold, or offered upon the same lot.
- f) “Political Sign” means a sign advocating action on a public issue or candidate for public office.
- g) “Real Estate and Development Sign” means a sign directing attention to the promotion, rental, sale, or lease of property on which it is located, or a sign indicating the name, owner, or manager of a development.
- h) “Service and Industrial Sign” means a sign directing attention to the name of a service or industrial establishment, goods, produced or sold, or service rendered on the premises on which the sign is located.

Signs are classified according to design as follows:

- a) “Flat or Wall” means a sign erected parallel to or painted on the surface or integral with the wall of any building.
- b) “Marquee” means a sign attached to the soffit or fascia of a marquee, roof, over a wall or permanent awnings.
- c) “Ground” means a sign erected on a pole, poles, or posts, which is wholly independent of any building for support and which has less than eight and one-half (8 ½) feet clearance above ground.

- d) “Pole” means a sign erected on a pole, poles, or posts, which is wholly independent of any building for support which exceeds eight and one-half (8½) feet clearance above ground.
- e) “Projecting” means a sign erected on the outside wall of a building and which projects out at an angle therefrom.
- f) “Temporary” means a sign applying to a seasonal or other brief activity, constructed of cloth, paper, or fabric of any kind or without a frame.

Signs: Number and Surface Area: A sign shall be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered ~~to be~~ a single sign. The surface area of the sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface areas. Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall not include the wall space between the individual letters.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or is there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7’6”). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4) clear height between floor and ceiling.

Street, Thoroughfare, or Roadway: A public or private right-of-way for vehicular and pedestrian use designated as follows:

- a. Freeway: A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

- b. Expressway: A divided arterial highway (not a freeway) for through traffic with full or partial control of access, medians, at-grade intersections, and some grade separations.
- c. Arterial: A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the County, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity for moving traffic.
- d. Collector: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the County.
- e. Local: A Street or road whose present function is to provide access to residence, business, or other abutting property. A local moves a vehicle from an individual property to the nearest collector street. A local differs from a residential in that it has multi-family or commercial development, or it has the potential to become a collector if future development occurs in adjacent areas.
- f. Residential (including mobile homes and campgrounds): A street or road whose function is to provide access to residences or other abutting property. A residential moves a vehicle from an individual property to the nearest local or collector.
- g. 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)
- h. Through Street: Any street which connects or is planned to connect with existing streets at both termini.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: In accordance with Section 711.001, Ohio Revised Code:

- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- b. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by the owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Temporary Use of Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Trailer, Travel: A vehicle designed as a travel unit for occupancy on a temporary or seasonal dwelling unit not exceeding two hundred (200) square feet in living area.

Use: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

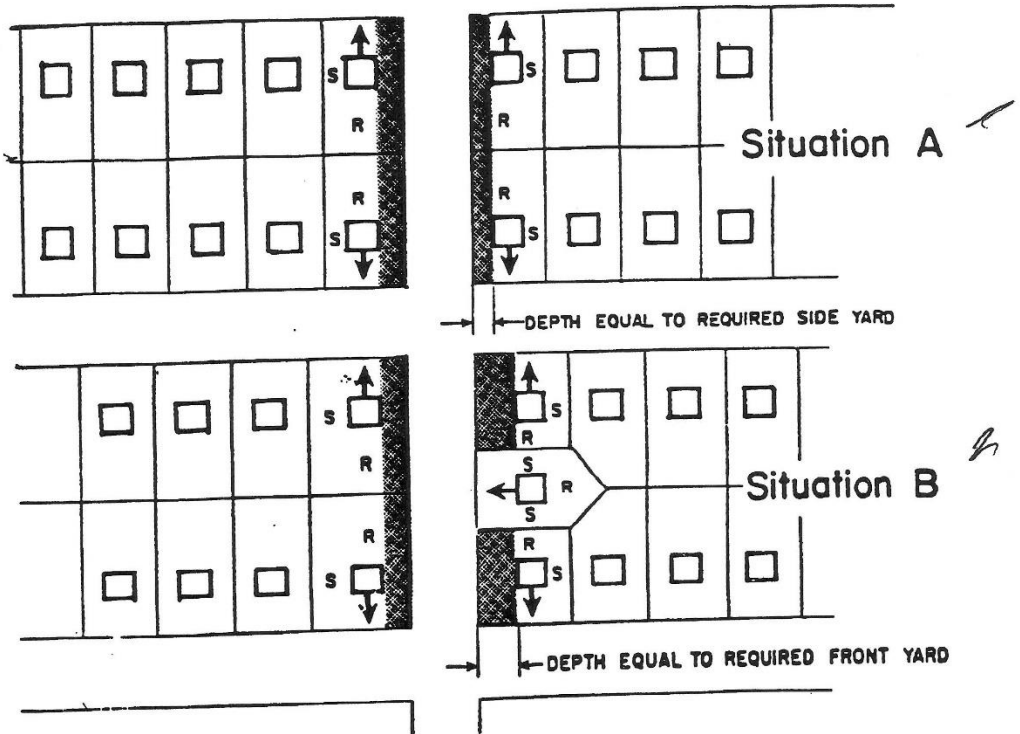
- a. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the





most rear point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- b. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.





-  REQUIRED SETBACKS - CORNER LOT
-  FRONT YARD
- R REAR YARD
- S SIDE YARD

SIDE YARDS ABUTTING A STREET

## ZONING EXCEPTIONS AND VARIANCES:

- a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Zoning Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.
  
- b. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.  
The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in this case.
  
- c. The “Exception” differs from the “Variance” in several respects. An exception does not require “undue hardship” in order to be allowable. The exceptions that are found in this Ordinance appear as “special approval” by Planning Commission, Village Council, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be ~~definitely~~ foreseen as, of a given time. The general characteristics of these uses include one or more of the following:
  1. They require large areas.
  2. They are infrequent.
  3. They sometimes create an unusual amount of traffic.
  4. They are sometimes obnoxious or hazardous.
  5. They are required for public safety and convenience.

Zoning Ordinance: For the purposes of this Ordinance or Code, reference to ZONING ORDINANCE shall also mean ZONING CODE for the Village of West Farmington, Ohio.

## ZONING DISTRICTS AND MAP

### SECTION 2.01 DISTRICTS ESTABLISHED:

For the purpose of this Ordinance, the Village of West Farmington is hereby divided into the following districts:

#### RESTRICTED BUILDING DISTRICTS

- P Park and Outdoor recreation
- AO Agriculture and Open Space

#### RESIDENTIAL DISTRICTS

- R2 One and Two Family Residential
- RM Multiple Family residential

#### NON-RESIDENTIAL DISTRICTS

- B Business
- I Light Industrial

### SECTION 2.02 DISTRICT BOUNDARIES:

The boundaries of these districts are hereby established as shown on the zoning map, Village of West Farmington Zoning Ordinance, which accompanies this Ordinance, and which map will all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein, and which map shall be filed in the office of the Zoning Inspector.

### SECTION 2.03 DISTRICT BOUNDARIES INTERPRETED:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Village limits shall be construed as following Village limits.

4. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections ~~1 through 5~~ 1 through 4 above, the Board of Appeals shall interpret the district boundaries.
6. Insofar as some or all of the various districts may be indicated on the zoning map by patterns, which, for the sake of map clarity do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 2.04 ZONING OF ANNEXED AREAS:

Whenever any area is annexed to the Village of West Farmington, one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforming with the zoning that existed prior to the annexation, such classification to be recommended by the Planning Commission to the Village Council and the Village Council shall consider same as required by State Law.
2. The Village Council shall adopt an appropriate addition to the zoning map for land not zoned prior to annexation immediately following said annexation. The planning Commission shall recommend the appropriate zoning districts for such land to Village Council.

SECTION 2.05 ZONING OF VACATED AREAS:

Whenever any street, alley, or other public way, within the Village of West Farmington shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

SECTION 2.06 DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions required under “GENERAL PROVISIONS” and “GENERAL EXCEPTIONS”.

RESTRICTED BUILDING DISTRICTS

P - PARKS AND OUTDOOR RECREATION

SECTION 2.07 INTENT:

The intent of the P District is to provide areas for parks, cemeteries, and outdoor recreation.

SECTION 2.08 PRINCIPAL USES PERMITTED:

In a Park and Outdoor Recreation District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance.

1. Publicly owned parks, playground, and similar outdoor recreation uses.
2. Public Pools
3. Golf Courses
4. Public Monuments
5. Cemeteries
6. Incidental or accessory buildings normally associated with a park or its operation.

SECTION 2.09 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the review and approval of the Planning Commission:

Privately owned and/or operated picnic areas, playgrounds, private parks, outdoor tennis clubs, outdoor swimming clubs and other similar recreation facilities including their related club houses and other incidental structures but excluding commercial and recreational areas such as drive-in theatres and miniature golf courses.

AO - AGRICULTURE AND OPEN SPACE

SECTION 2.10 INTENT:

The intent of the AO district is to preserve agricultural land and provide areas for non-commercial recreational and conservation purposes.

SECTION 2.11 PRINCIPAL USES PERMITTED:

In an Agricultural and Open Space District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the P-Park and Outdoor Recreation District.
2. Conservation of natural resources including land and water conservation and wildlife refuges.
3. Agriculture
  - a. Agricultural production: including the raising or growing of forages and sold crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and other similar agricultural uses.
  - b. Dwellings, which serve as the principle residence for the owner, operator and employees of the farm.
  - c. The incidental sale of farm products.
  - d. Uses or structures customarily incidental to the operation of a farm and permitted dwellings.

SECTION 2.12 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:



1. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
2. Privately or governmentally owned and/or operated picnic areas, playgrounds, private parks, outdoor tennis clubs, outdoor swimming clubs, country clubs, and other similar recreation facilities and/or uses including their related club houses and other incidental structures, but excluding commercial and recreational areas such as drive-in theatres and miniature golf courses.

SECTION 2.13 PROHIBITED USES:

No building or land shall be used for one or more of the following:

1. The disposal of garbage, sewage, rubbish or offal.
2. Rendering Plants.
3. The slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto.
4. Junk yard, salvage yard, or recycling plant.

RESIDENTIAL DISTRICTS

R - ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

SECTION 2.14 INTENT:

The R District is designed to provide for an environment of predominantly low-density, one- and two-family detached dwellings along with other residentially related facilities which serve the residents in the district.

SECTION 2.15 PRINCIPAL USES PERMITTED:

In a One- and Two-Family Residential District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance:

1. One- or Two-Family detached dwellings.

2. Farms having an area of not less than two (2) acres, all subject to health and sanitation provisions of Trumbull County and subject to the permitted uses and prohibited uses in Sections 2.11-3, 2.12-1, and 2.13.
3. No farm shall be operated as a piggery.
4. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
5. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
6. Public, parochial, and other private elementary schools offering courses in general education, and not operated for profit.
7. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in SECTION 3.01 may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
  - b. All access to the site shall be in accordance with SECTION 4.11.
8. Public, parochial, and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with SECTION 4.11.
9. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
10. Nursery schools, day nurseries, and childcare centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of not less than three thousand five hundred (3,500) square feet and shall be fenced and screened from any adjoining lot in any residential district.

11. Accessory buildings and uses, customarily incident to any of the above permitted uses.

- a. Private garage or carport for not more than three (3) automobiles per dwelling unit, located no closer than four feet (4) to the rear property line and no closer to the side property line than the prescribed minimum side yard requirement.
- b. Private garages that face any road or street must have doors that are closeable
- c. Home occupation as provided in SECTION 1.02.
- d. Signs as provided in SECTIONS 1.02 and 4.15.
- e. Noncommercial greenhouses not to exceed two hundred (200) square feet of floor area or nursery.

SECTION 2.16 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- 1. Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs, all subject to the following conditions:
  - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major Thorofare as designated on the Master Plan, access shall be provided in accordance with SECTION 4.17.
  - b. Front, side, and rear yards shall be at least eight (8) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards except required entrance drives and those walls used to obscure the use from abutting residential districts.
  - c. Off-street parking shall be provided to accommodate not less than one-half (½) of the member families and/or individual members. The Planning

Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases, wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission based on usage.

- d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, eight (8) feet in height, and entry shall be provided by means of a controlled gate.
2. Private Pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
    - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
    - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
    - c. Swimming pools shall be located no less than thirty-five (35) feet from any front lot line.
    - d. No swimming pool shall be located in an easement.
    - e. For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence are enclosed, then this provision may be waived by the Inspector upon inspection and approval.

- f. A pool shall not be located nearer than twenty (20) feet of any overhead power lines.
      - g. Accessory buildings and uses customarily incident to a private swimming pool are permitted uses.
    - h. Above ground pools are subject to all requirements of this Ordinance except subsection e.
  - 3. Golf courses, which may or may not be operated for profit, subject to the following conditions:
    - a. The site shall be so planned as to provide all access in accordance with SECTION 4.17.
    - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
    - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
  - 4. The taking of boarders or the leasing of rooms by a resident family provided, however, that space for one roomer be allowed in any case and space for one additional roomer for each one hundred and fifty (150) square feet of floor area by which the total floor area of the building exceeds six hundred and twenty-five (625) square feet.
  - 5. Mobile Home or prefabricated homes provided they meet the following restrictions:
    - a. The minimum size of the lot for said trailers shall be 12,000 square feet and the minimum size of the trailers shall be 720 square feet per family unit, exclusive of basements, porches, garages, breezeways, terraces, attics of partial floors.

- b. Said trailers shall be positioned horizontally to the street and set back a minimum of fifty (50) feet therefrom: there shall also be a minimum side and rear yard clearance of five (5) feet, with any attached building adhering to the side and rear yard clearance; and no unattached building shall be closer than twenty (20) feet from the trailer unit, such area to remain clear and unobstructed.
- c. All trailers must meet the requirements of the Trumbull County Board of Health as to a residence.
- d. A concrete slab must be a minimum of 3½ inches thick and be under the entire area of the trailer.
- e. There shall be skirts securely attached around the perimeter of the trailer enclosing the entire area from slab to trailer, said skirt material to be of concrete block, metal or wood construction material.
- f. The piers, wheels, and bolted on tongues of all trailers must be removed. If the tongue is welded on, it must be covered or screened.
- g. A minimum of six (6) tie downs shall be permanently attached to the concrete slab and securely attached at different locations to the length of the trailer frame, said tie downs to be of 3/8" metal (cable belt or chain).

SECTION 2.17 AREA AND BULK REQUIREMENTS:

See SECTION 3.01 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

RM – MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 2.18 INTENT:

The RM Multiple Family District is designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and the lower density One- and Two-Family Districts. The Multiple Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single family community.

SECTION 2.19 PRINCIPAL USES PERMITTED:

In a Multiple Family Residential District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the R One- and Two-Family Residential District.
2. Multiple Family Dwellings.
3. Housing for the elderly.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 2.20 REQUIRED CONDITIONS:

In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a zoning permit.

Approval shall be contingent upon a finding that:

1. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
2. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways, and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

SECTION 2.21 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission.

1. General Hospitals, with no maximum height restrictions, when the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. All access to the site shall be in accordance with SECTION 4.17.
  - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2) feet, the minimum yard distance shall be increased by at least twenty (20) feet.
2. Convalescent or nursing homes and orphanages when the following conditions are met:
  - a. There shall be provided on the site not, less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement, and accessory uses, but shall not include the area covered by main or accessory buildings.
  - b. No building shall be closer than forty (40) feet to any property line.
3. Mortuary of Funeral Establishments:
  - a. When adequate assembly area is provided off-street for vehicles to be used in funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishment.
  - b. All access to the site shall be in accordance with SECTION 4.17.



4. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit all subject to the following conditions:
  - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
  - b. All access to said site shall be in accordance with SECTION 4.17.
  - c. No building shall be closer than eighty (80) feet to any property line.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 2.22 AREA AND BULK REQUIREMENTS:

See SECTION 3.01 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements.

NON-RESIDENTIAL DISTRICTS

B – BUSINESS DISTRICT

SECTION 2.23 INTENT:

The B Business District, as herein established, is designed to meet the general commercial shopping and service needs of persons residing in a regional market area.

SECTION 2.24 PRINCIPAL USES PERMITTED:

In a Business District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use or structure permitted and as regulated in the RM Multi-Family District.
2. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing and notions or hardware.

3. Personal service establishments which perform services on the premises, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, or barber shops, photographic studios, and self-service laundries, and dry cleaners.
4. Business establishments which perform services on the premises, such as, but not limited to banks, loan companies, insurance offices, and real estate offices.
5. Professional services including the following: offices of doctors, dentists, osteopaths, and similar or allied professions.
6. Specialized retail uses and shops including millinery, men's and women's apparel, shoe shops, antique shops, jewelry, bookstores, gift shops, florists, sporting goods, printing, publishing, lithographer, or photographic shop.
7. The office and display rooms of home repair contractors such as heating, painting, roofing, and decorating, provided that all operations are conducted within the confines of the building, but not within one hundred (100) feet of any R-District nor thirty (30) feet from any structure used for human occupancy in any other district.
8. Dry-Cleaning establishments, or pick-up stations, dealing directly with consumers. Central dry-cleaning plants serving more than one retail outlet shall be prohibited.
9. Branch Post Office and similar governmental office buildings, serving persons living in the adjacent residential area.
10. Restaurants, other places serving food or non-intoxicating beverages.
11. Drive-in eating and drinking establishments including beverage drive-thrus, provided that the principal building is located not less than two hundred fifty (250) feet from any R-District or seventy-five (75) feet from any residential structure.
12. Private clubs, fraternal organizations and lodge halls and other similar uses.
13. Bowling alleys, skating rinks, dance halls, dance studios, billiard halls, theaters and similar enterprises; provided that such use had no openings other than stationary windows or required fire exits, within one hundred (100) feet of any R-District, or thirty (30) feet from any residential structure.
14. Motels and Hotels.

15. Greenhouses or nurseries
16. Radio and television broadcasting stations, studios, or offices.
17. Repair services and establishments including radios, televisions, typewriters, home appliances, watches, and clocks.
18. Distributor's warehouse and wholesale outlet, provided that such use is located not less than fifty (50) feet from any R-District nor twenty (20) feet from any structure used for human occupancy in any other district.
19. Service Stations.
20. Automobile, boat, truck, or trailer establishments for display, hire, sales, repair, painting, washing, provided that all operations other than display and sales are conducted within the confines of the building.

Buildings used for painting, repair work or washing if less than one hundred (100) feet from any R-District or thirty (30) feet from any residential structure shall have no opening other than stationary windows or required fire exits within such distance.

21. Accessory structures and uses customarily incident to the above permitted uses.

**SECTION 2.25 REQUIRED CONDITIONS:**

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

**SECTION 2.26 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Gasoline service station for the sale of gasoline, oil, minor accessories and where only incidental repair work is done, but not including stream cleaning or

undercoating, vehicle body repair, painting, tire recapping engine rebuilding, auto dismantling, upholstering, auto glass work, outdoor storage of wrecked or inoperative vehicles, rental equipment, and/or vehicles, and such other activities whose external effects could adversely extend beyond the property line.

- a. The driveway or curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located no less than ten (10) feet from an adjoining property line, twenty-five (25) feet if adjacent residential districts, as extended to the curb or pavement. Entrances shall also be no less than twenty-five (25) feet from an intersecting street right-of-way line extended to the curb or pavement.
- b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil, and minor accessories, and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required. If rental vehicles or trailers are stored on the premises, a minimum lot area of fifteen thousand (15,000) square feet shall be devoted exclusively to service station use, and there shall be provided behind the line of the main building, an additional area for the storage of rental vehicles or trailers on such premises. No vehicles or trailers shall be parked in front of the pump island setback line except vehicles ~~actually~~ being serviced.
- c. No portion of such structure or its equipment shall be located less than fifty (50) feet from a building in a residence district unless separated from the lots in such district by a street fifty (50) feet or more in width. Furthermore, gasoline pumps or pump islands shall be located not less than fifteen (15) feet from any street right-of-way line.
- d. That the maximum volume of gasoline, lubricating oil, or other motor fuel that may be stored at each service station, bulk station, or other place where these materials are stored shall be 30,000 gallons.
- e. That all tanks are installed in accordance with State Laws of Ohio and regulations of the State Fire Marshall, Columbus, Ohio.

- f. All above tanks must be underground properly vented and placed in ground and on lot in accordance with the State Laws of Ohio and regulations of the State Fire Marshall.
  - g. That upon discontinuance of the use of the above tanks for the purpose for which they were installed, they must be removed from the property by the owner of same within ninety (90) days.
  - h. No open flame heating appliances permitted.
2. Gasoline service stations for the sale of gasoline, oil, minor automotive accessories and goods designed to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.
- a. Such use is subject to those special conditions listed pursuant to Paragraph 1 of this section.
  - b. Such service stations shall not conduct nor have on site, facilities for the repair or servicing of automobiles.
  - c. All food products sold on the premises must be pre-packaged.
  - d. Off-street parking requirements shall be provided in accordance with SECTION 4.11.

SECTION 2.27 AREA AND BULK REQUIREMENTS:

See SECTION 3.01 limiting the height and bulk of buildings, the minimum size lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements.

I – LIGHT INDUSTRIAL DISTRICT

SECTION 2.28 INTENT:

The purpose of the I Light Industrial District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor dust, smoke, or glare; operate within enclosed structures, and generate little industrial traffic. Research activities are encouraged.

SECTION 2.29 PERMITTED USES:

Principal permitted uses are as follows:

1. Any use permitted and as regulated in the B Business District, except residential dwellings.
2. Except for uses and processes in SECTION 2.31 prohibited herein, the manufacturing, compounding, processing, packaging, and assembling of products such as:
  - a. Bakery goods, candy cosmetics, pharmaceuticals, toiletries, and food products, except fish or meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats or oils.
  - b. Products from the following previously prepared material: aluminum, bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, rubber, steel, sheet metal, shell, textiles tobacco, way, and wood (except where saw or planing mills are employed).
  - c. Pottery and figurines, using previously pulverized clay and kilns fired with gas or electricity.
  - d. Musical instruments, toys, novelties, rubber, metal stamps, and other small rubber products.
  - e. Electrical or electronic and electrical appliances instruments and devices, television sets, radios, and phonographs.
  - f. Electric and neon signs, billboards, and other commercial advertising structures, light sheet metal products including heating and ventilation equipment cornices, eaves, and the like.
3. Experimental, film or testing laboratories provided that no operation shall be conducted, or equipment used which could create hazards, offensive or noxious conditions.

4. Uses such as the following, provided that no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any R-District:
  - a. Blacksmith, welding or other metal working shops excluding punch presses over twenty (20) tons rated capacity and drop hammers.
  - b. Foundry casting, light weight metals or electric foundry not causing noxious odors or fumes.
  - c. Carpet, rug, and upholstery cleaning provided necessary equipment is installed for effective precipitation or recovery of dust.
  - d. Ice manufacturing or cold storage plant, creamery, and bottling plant.
5. Uses such as the following when located not less than two hundred (200) feet from any R-District:
  - a. Bulk storage of petroleum products, provided that refining and retail sales are not conducted on the premises.
  - b. Building material sales yards including concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.

SECTION 2.30 CONDITIONS:

1. All uses except for loading and unloading operations and parking shall be conducted within a completely enclosed building, provided that uses specified in SECTION 4.11 shall not be subject to this provision.
2. No building customarily used for night operation shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any R-District and any space used for loading or unloading commercial vehicles in connection with such operations shall not be within one hundred (100) feet of any R-District.

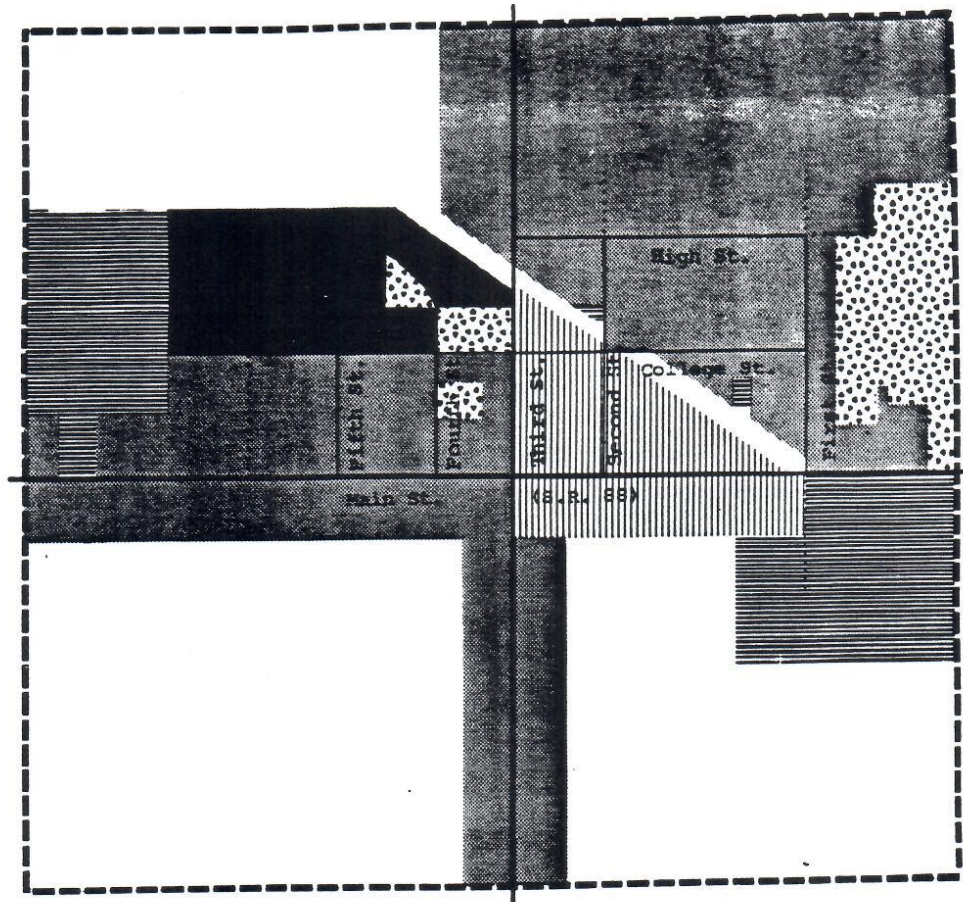
SECTION 2.31 PROHIBITED USES:

Residential dwellings.

SECTION 2.32 AREA AND BULK REQUIREMENTS:







See SECTION 3.01 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.





VILLAGE OF WEST FARMINGTON

ZONING MAP

-  R - One & Two Family Residential
-  RM - Multi-Family Residential
-  B - Business
-  I - Light Industrial
-  P - Parks & Outdoor Recreation
-  AO - Agriculture & Open Space

SCHEDULE OF REGULATIONS  
SECTION 3.01  
MINIMUM HEIGHT, BULK, DENSITY, AND AREA BY DISTRICT:

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback Per lot in Feet			Min. Floor Area/Unit	Max. % of Lot Area Covered
	Area in Sq. Ft.	Width in Ft.	Story	Feet	Front	Side	Rear	(Sq. Ft.)	(By all Bldg.)
R One- & Two-Family Residences	12,000	60	2	25	25 (a) **	5 (a) (b) **	10	720	25
Living Quarters over a Business Establishment	2,500	--	--	--	--	--	--	600	--
RM Multi-Family	12,000 (c) **	(c) **	2	25	25 (d) **	(c) (d) **	10 (d)	1BR-500 2BR-700 3BR-900 4BR-1100	--
B Business	(f) **	--	2½	30	25	--	10	--	--
I Light Industrial	--	--	--	--	--	(e) **	10	--	--
					***	****			

\* Setback building line on a corner lot shall have a side yard clearance of not less than twenty-five (25) feet.

\*\* Notes: On Following Page.

\*\*\* No side yards required, except a 30-foot side yard shall be required on the side of a lot or tract in an adjoining R-District

\*\*\*\*Fifty feet on that portion of a lot or tract abutting upon an R-District

NOTES:

- a) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in SECTION 2.15 OR SECTION 3.01, whichever is greater
- b) In the case of a rear yard abutting a side yard, (or when a side yard is adjacent to a front yard across a common separating street) the side yard abutting a street shall not be less than the required minimum front yard of the district in which located.
- c) The total number of rooms in a multiple-dwelling structure are two and one half (2½) stories or less shall not be more than the area of the parcel, in square feet divided by twelve hundred (1,200). Not more than ten percent (10%) of the units on any given parcel may be of an efficiency apartment type. For the purpose of computing rooms, the following shall control:

Efficiency and Modified Apartment Unit	– one (1) room
One (1) Bedroom Unit	– two (2) rooms
Two (2) Bedroom Unit	– three (3) rooms
Three (3) Bedroom Unit	– four (4) rooms
Four (4) Bedroom Unit	– five (5) rooms

Plans presented showing 1, 2, or 3-bedroom units and including a den library, or other extra room shall count such extra rooms as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way either interior or bordering streets.

- d) In the RM District the minimum front and rear yards shall be equal to the height of the building, except that where a front lot line abuts a street, one half (½) the width of the right-of-way of said street may be considered as front yard setback, but in no instance shall any front or rear yard setback be less than twenty-five (25) feet. The minimum amount of usable open space or recreation area per dwelling unit (exclusive of a required front yard, parking areas, or driveways) shall be equal to one hundred fifty (150) square feet of lot area per bedroom. A balcony or roof sun deck of fifty (50) feet or greater may be counted toward meeting the minimum amount of open space per dwelling units. The minimum distance between any two (2) buildings shall not be less than thirty (30) feet.

- e) On a corner lot of which borders on a residential district, there shall be provided a setback of twenty-five (25) feet on the side or residential street. On an exterior side yard abutting a residential district or abutting a street there shall be provided a setback of ten (10) feet in width.
- f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of six (6) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest existing and proposed right-of-way line as indicated on the Master Plan.

SECTION 3.02 AVERAGED LOT SIZE:

- 1. The intent of this section is to permit the subdivider or developer to vary his lot sized and lot widths ~~so as~~ to average the minimum size of lot per unit as required in SECTION 3.01 for each One-Family Residential district. If this option is selected, the following conditions shall be met:
  - a. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent (10%) below that area or width required in SECTION 3.01 and shall not create an attendant increase in the number of lots.
  - b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
  - c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

## GENERAL PROVISIONS

### SECTION 4.01 CONFLICTING REULATIONS:

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by the Ordinance, then the provisions of such ordinance shall govern.

### SECTION 4.02 SCOPE:

No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained and no new use or change shall be made or maintained of any building, structure, or land or part thereof except in conformity with the provisions of this Ordinance.

All structures for which building permits have been obtained and the construction of which or a portion of which has been begun, or for which contracts have begun, or for which contracts have been let pursuant to a permit issued prior to the effective date of this Zoning Ordinance may be completed and used in accordance with the plans for which said permit was granted.

### SECTION 4.03 ACCESSORY BUILDINGS:

Accessory buildings except as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty percent (40%) of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
3. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than two (2) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

4. No detached accessory building in R, RM, and B Districts shall exceed one (1) story or twenty (20) feet in height.
5. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way.
6. When an accessory building in an Office or Business District is intended for other than the storage of private motor vehicles, the accessory building shall be subject to the approval of the Board of Zoning Appeals.

An accessory building in any Residential District for other than the storage of private motor vehicles is permitted subject to the following regulations:

- a. Such accessory building shall have a maximum floor area of Six hundred (600) square feet as allowed based on lot size.
  - b. Such accessory building shall have no one horizontal dimension greater than twenty (20) feet.
  - c. Not more than one (1) accessory building for other than the storage of private motor vehicles is permitted per residential lot only within the confines of the rear yard shall further respect the requirements of this Section applicable to Accessory Buildings, insofar as distances from principal structures, lot lines, and easements are concerned. All mobile homes parked or stored shall not be connected to sanitary facilities and shall not be occupied.
7. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited, except that the Zoning Inspector may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All mobile homes parked or stored shall not be connected to sanitary facilities and shall not be occupied.

All mobile home or camping trailers owned by residents of the village and stored on their individual lots shall be stored only within the confines of the lot lines and in no way should encroach the neighboring lot lines, and be set back equal to or greater than the front face of the main residents.

8. and shall further respect the requirements of this Section applicable to Accessory Buildings, insofar as distances from principal structures, lot lines, and easements area concerned. All mobile homes parked or stored shall not be connected to sanitary facilities and shall not be occupied.

#### Section 4.04 CORNER CLEARANCE:

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their pointer of intersection.

#### Section 4.05 RESIDENTIAL ENTRANCEWAY:

In all Residential Districts, so called entranceway structures including but not limited to: walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in SECTION 4.04, provided that such entranceway structures shall comply to all codes of the Village and shall be approved by the Zoning Inspector and a permit issued.

4. No fence or wall which interrupts, impedes or otherwise alters the natural flow of water shall be erected in any zoning district.
5. Barbed wire or barbed wire fences, electric or electrically charged fences will require an appeal to the Zoning Board of Appeals defining the unique need. No fences made of tires shall be erected in the Village of West Farmington.
6. Chain link fences shall be permitted provided that, if located in the front yard and/or side yard up to the rear building line, are visible from the street, that the side facing out be screened by evergreen vegetation. All fences visible from the road are to be constructed of a dark neutral-colored, non-reflective material, as approved by the Zoning Inspector.
7. All fences shall be erected so that their finished side faces out, and the unfinished side faces the property of the person who has caused said fence to be erected.

8. All fences, walls, hedges, and landscaped screening shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.
9. With respect to fences, the rear yard shall include the side yard up to the rear building line of the principal building.

D. Height and Setback Restrictions

1. Fences shall meet the height and setback requirements of Table 406.1

		P	AO	R	RM	B	I
Maximum Fence Height	Front	Three (3) Feet					
	Corner	Six (6) Feet					
	Interior Side	Six (6) Feet					
	Rear	Six (6) Feet					
Minimum Fence Setback	Front	Building Setback Line					
	Corner Side	Setback of the adjacent reverse corner lot					
	Interior Side	Property line, provided both applicant and neighbor have three (3) foot side yard					
	Rear	Property line, provided both applicant and neighbor have three (3) foot side yard					

\*\* Property line, providing both applicant and neighbor agree in writing with the Zoning Commission approval.

\*\*Maximum front fence height three (3) foot high, Maximum of eight (8) feet allowed with the approval of the Zoning Board based on requirements.

2. The height of fences shall be measured from the finished grade of the ground on which it is mounted, except when mounted on an earthen mound as used for buffering, in which case the height of the berm shall be included in the height of the fence.

E. Special Restrictions by Location of Fence

1. Interior Side Yards

The following shall apply to fences located in the interior side yard of all residential districts:



- a. Fences shall only be permitted in interior side yards provided that the principal buildings on both the applicant's lot and the adjacent lot maintain a side yard setback of at least three (3) feet. Section 4.06

#### FENCES AND WALLS:

##### A. Permit Required

No person shall erect or substantially alter a fence or wall in the Village of West Farmington without having first obtained a zoning permit from the Zoning Inspector.

##### B. Fences – Exemptions

1. Fences and walls legally in existence at the time of adoption of this Zoning Ordinance which are not in violation of Sections 406.C3. and 406.C.8, below, which do not present a safety hazard to pedestrian or vehicular traffic, and which do not prevent accessibility by emergency vehicles, may continue to be maintained and to exist, but may not be replaced if fifty percent (50%) or more of the fence or wall is either destroyed or removed and if the replacement would continue the existence of a violation of these regulations.
2. Fences required as a part of the athletic facilities such as but not limited to softball diamonds or tennis courts may be permitted at heights in conformance with established recreation standards.

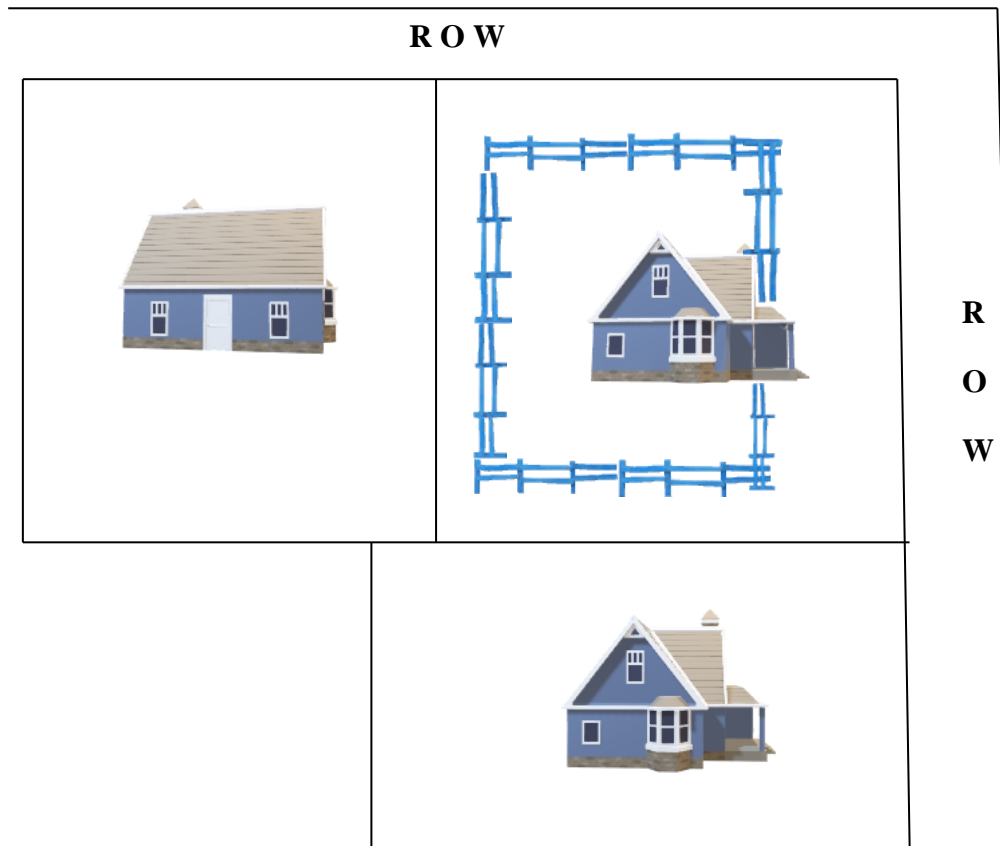
##### C. General Restrictions and Prohibitions

1. No private fence or wall shall be erected within the public right-of-way, and the Village of West Farmington shall have the right to require the removal of any fence on a public right-of-way at no cost to the Village. All improvements made by residents shall be made on that resident's own property and shall be maintained by the resident.
2. Snow fences shall not be placed in front yards except as specifically permitted by the Village. Snow fences shall only be permitted during the period beginning November 1 and ending March 30.
3. No fence or wall shall be maintained or erected if it is constructed with any material which is likely to inflict bodily harm should a person or animal encounter the fence or wall. Materials covered by this prohibition include sharp or ragged metal spikes and spears.

- b. Fences in interior side yard shall not extend in front of the principal building setback line.
- c. Fences in interior side yards may be built up to the principal building setback line for the purpose of providing a return, but only if screened pursuant to Section 406.C.6,7, 8, and 9, above.

2. Corner Side Yards

Fences located in corner side yards shall not extend in front of the setback line of the principal building on the adjacent lot.



3. Rear Yards

- a. Fences located in the rear yard of any lot in any residential districts may be increased to eight (8) feet in height if such yard abuts the RM Multiple-Family Residential District, Business District, or any Industrial District.
- b. Fences in rear yards which exceed the height of side yard fences shall extend no further than the rear of the principal building.

SECTION 4.07 FRONTAGE ON A PUBLIC STREET:

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street, unless otherwise provided for in this Ordinance.

SECTION 4.08 EXTERIOR LIGHTING:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in non-residential districts used for the external illumination of buildings should feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

SECTION 4.09 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USE OF STRUCTURES AND PREMISES:

1. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses, to continue until they are removed, but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities 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.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premise of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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 of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that 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 work shall be diligently carried on until completion of the building involved.

## 2. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

## 3. Nonconforming Uses of Land

Where, at the effective date of adoption of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of his Ordinance as enacted, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than sixty (60) days, 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. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of his Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continue so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increased its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent or more than sixty percent (60%) of its replacement costs, exclusive of the foundation, it shall be reconstruction only inconformity with the provisions of this Ordinance.
- c. 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 removed.

#### 5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption of this Ordinance, that would not be permitted 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:

- a. 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.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not therefore be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) consecutive years, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

- f. Where nonconforming uses status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage of this Ordinance shall not be increased.

Nothing in this Ordinance 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.

7. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and land in combination.

SECTION 4.10 OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Loading space shall be provided at the rate of eight percent (8%) of the gross floor area of the largest story of two hundred (200) square feet, whichever is greater.

SECTION 4.11 OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space for all new construction with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. The required off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. The required off-street parking spaces shall not be located within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use, shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 4.03, of this Ordinance.
4. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
5. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
6. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles in an area designated for off-street parking is prohibited.
7. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.



8. For the purpose of computing the number of parking spaces required, the definition of GROSS FLOOR AREA in SECTION 1.02 shall govern.
9. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<u>TYPE OF USE</u>	<u>NUMBER OF SPACES</u>
<u>Residential</u>	
Single-family or two-family dwelling	2 spaces for each unit
Apartments or multi-family dwelling	2 spaces for each unit
Residential and Social Service Facility	2 spaces for each unit and 1 for each employee
Boarding and Rooming houses	1½ spaces for each permanent occupant
<u>Business and Commercial</u>	
Banks, financial Institutions, and similar uses	1 for each 200 square feet of floor area
Business offices or Professional Offices except as indicated in the Following item (3)	1 for each 200 square feet of floor area
Professional offices of Doctors, Dentists, or similar professionals	1 for each 75 square feet of gross floor area in waiting room, and 1 for each examining room, dental chair, or similar use
Planned Commercial or Shopping Center	1 for each 200 square feet of gross floor area

<u>TYPE OF USE</u>	<u>NUMBER OF SPACES</u>
Beauty Parlor or Barber Shop	3 spaces for each of first two beauty or barber chairs, and 1

	space for each additional chair
Restaurants, Taverns, or other places offering the sale and consumption on the premises of food, beverages, or refreshments	1 for each 150 square feet of gross floor area
Gasoline Service Stations (without auto-wash facilities)	1 for each lubrication stall or rack and one for each gasoline pump, exclusive of service area
Self-Service Laundries and Dry Cleaners	1 for each 3 washing and/or dry-cleaning machines.
Hotels, Motels	1 for each sleeping room plus one space for each 2 employees
Retail Stores and Personal Service Shops	1 for each 200 square feet of gross floor area used for service to customers, plus 1 for each 2 employees
Funeral Homes and Mortuaries	1 for each 100 square feet of floor area
All other types of business or commercial uses permitted in any commercial district	1 for each 200 square feet of gross floor area
<u>Institutional</u>	
Churches and other places of religious assembly	1 for each 5 seats
Hospitals	1 for each bed, plus 1 for each 3 employees on the largest working shift
Sanitariums, Homes for the Aged, Nursing Homes Children's Homes, and similar uses	1 for each 3 beds, plus 1 for each employee on the largest working shift

Medical and Dental Clinics

1 for every 100 square feet of floor area of examinations, treating room, office, waiting room.

TYPE OF USE

NUMBER OF SPACES

Libraries, Museums, and Art Galleries

1 for each 400 square feet of floor area

Elementary and Junior High Schools

At least 1 for each 2 employees, including administrators, teachers, maintenance personnel, and 1 per 6 seats in the auditorium or main assembly room or 1 per classroom, whichever is greater

Senior High Schools

1 per employee, including administrators, teachers, and building maintenance personnel plus 1 per 6 seats in the auditorium or main assembly room, or 3 spaces per classroom, whichever is greater

Recreational or Entertainment

Dining Rooms, Restaurants, Taverns, Night Clubs, etc.

1 for each 100 square feet of floor area or 1 for each 2 persons allowed within maximum occupancy, whichever provides the most parking spaces

Dance Halls, Assembly Halls

1 for each 100 square feet of floor area used for the activity

Auditoriums, Theaters, Gymnasiums, Community Centers, and similar uses

1 for each 4 seats, or at least for each 100 square feet of gross floor area used for service to customers

TYPE OF USE

NUMBER OF SPACES

Private Clubs or Lodge Halls

1 per 150 square feet of gross floor area, or 1 for each 4 seating spaces in the assembly room, whichever is greater

Fraternity or Sorority

1 for each 5 permitted active members or 1 for each 2 beds, whichever is greater

Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other similar uses

1 for each 4 member families or individuals plus spaces required for each accessory use

Golf Courses open to the general public, Except miniature or Par-3 Courses

4 for each 1 golf hole and 1 for each employee, plus spaces required for each accessory use

Miniature or Par-3 Golf Courses

3 for each 1 hole, plus 1 for each employee

Industrial

All types of manufacturing, storage, and wholesale uses

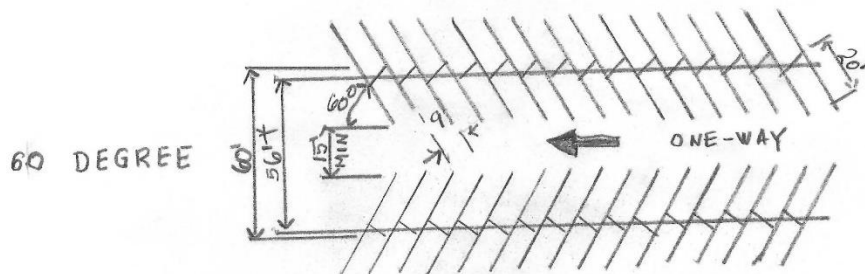
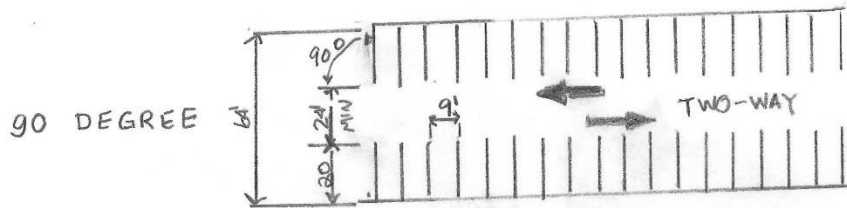
1 for every 2 employees on the largest shift for which the building is designed, plus 1 for each motor vehicle used in the business

SECTION 4.12 OFF-STREET PARKING SPACE LAYOUT, STANDARDS,  
CONSTRUCTION, AND MAINTENANCE:

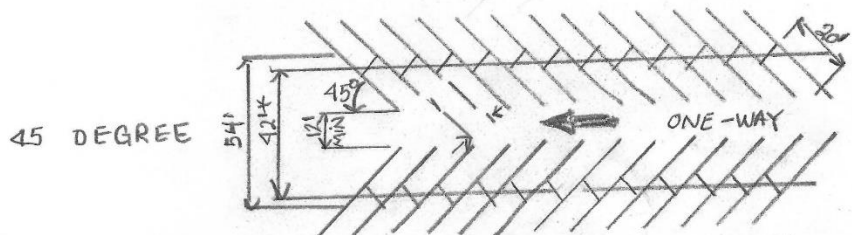
Whenever the off-street parking requirements in SECTION 4.11 above require the building of an off-street parking facility, such off-street parking shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Zoning Inspector in such form as may be determined by the Zoning Inspector and shall be accompanied with 2 sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

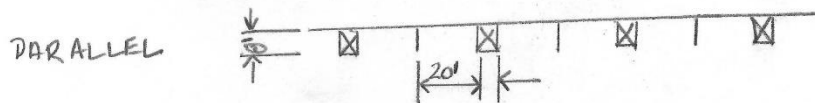
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Parking Plus Maneuvering Lane</u>	<u>Number of Spaces Plus Maneuvering Lane</u>
Parallel Parking	12 ft.	8 ft.	26ft.	20ft.	28 ft.
30° to 53°	12 ft.	9 ft.	20 ft.	32 ft.	54 ft.
54° to 74°	15 ft.	9 ft.	20 ft.	36 ft.	60 ft.
75° to 90°	24 ft.	9 ft.	20 ft.	44 ft.	64 ft.



\*OVERLAPPING DIMENSION



\*OVERLAPPING DIMENSION INCLUDING HERRINGBONE PATTERN)



## PARKING LAYOUTS

3. All spaces shall be provided adequate access by means of maneuvering lands. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
6. All maneuvering land widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
7. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single family residential use shall be placed at least twenty-five (25) feet measured along the street right-of-way line from adjacent property located in any single-family residential use. Such entrance and exits shall be provided with an adequate apron as approved by the Planning Commission.
8. The entire parking area, including parking spaces and maneuvering lanes required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Engineer. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued.
9. Off-street parking areas shall be drained ~~so as~~ to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings or onto any public roadway, street, or alley.
10. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

SECTION 4.13 PUBLIC UTILITY USES:

Because the uses hereinafter referred to service an area larger than the Village, and therefore possess unique characteristics making it impractical to include them in a specific use district classification, they can be placed in any District subject to restrictions of the Ohio Public Utilities Commission, following a public hearing and approval by Village Council:

- a. Telephone Exchange Buildings
- b. Electrical Distribution Substation without Rotary Machinery
- c. Electrical Conductor Transmission Tower
- d. Gas Regulating Stations
- e. Radio and Television Transmission Tower

SECTION 4.14 SEWAGE DISPOSAL REQUIREMENTS:

1. Extension of Public Sanitary Sewer System

Where an adequate public sanitary sewer system is reasonably accessible in the determination of the County Sanitary Engineer, public sanitary sewer shall be installed to adequately serve all lots connecting to the public system. Extensions shall meet the requirements of the Ohio Environmental Protection Agency and the County Sanitary Engineer. Combination of sanitary sewer and storm sewers shall be prohibited.

2. Where Public Sanitary Sewer System is Not Available

Where a public sanitary sewer system is not reasonably accessible, the developer may provide:

- a. A Central Treatment Plant: A central treatment (package) plant for the lots provided that such central treatment plant be installed in accordance with the Ohio Environmental Protection Agency and the Trumbull County Sanitary Engineer's requirements.
- b. Individual Disposal Systems: Lots may be served by individual disposal systems only when extension of a public sanitary sewerage system or the installation of a central treatment facility has been rejected by the Ohio Environmental Protection Agency.
  - 1. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage ground water level, and topography shall be the criteria for



determining whether ~~or not~~ the installation of individual systems is permissible.

2. The Soil Scientist, provided by the County Commissioners, shall make a study of the area being platted, and a copy of the soils review shall be submitted to the Trumbull County Health Department and the Village.
3. Criteria shall be in accordance with the Trumbull County Board of Health requirements governing such installation.

SECTION 4.15 SIGNS:

1. The following conditions shall apply to all signs erected or located in any district:
  - a. All signs shall conform to applicable codes and ordinances of the Village and, where required, shall be approved by the Zoning Inspector, and a permit issued.
  - b. No sign except those established and maintained by the Village, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned shopping center development involving five (5) acres or more under one ownership, the Board of Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
  - d. All directional signs required for the purpose of orientation, when established by the Village, County, State, or Federal government, shall be permitted in all use districts.
  - e. Accessory signs, not larger than three (3) square feet in area, shall be permitted in any use district.
  - f. Any outdoor advertising sign or billboard, larger than those mentioned in paragraph “e” of this section shall be deemed a structure and shall require a building permit before being erected, constructed or replaced.

No outdoor advertising sign, except those mentioned in paragraph 1 of this section, shall be placed nearer any street or road than the minimum set-back line.

No outdoor advertising sign more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same.

- g. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold.
  - h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
  - i. "Private", "No Trespassing", or similar warning signs not exceeding one (1) square foot in area shall be permitted.
2. In addition to (1) above, the following requirements shall apply to signs in the various use districts as follows:

Use Districts

Requirements

R and RM Districts

For each dwelling units, one name plate not exceeding two (2) sq. ft. in area, indicating the name of occupant.

For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) sq. ft. in area.

RM District

For rental and/or management offices, one identification sign not exceeding six (6) sq. ft. in area.

Use Districts

RM District cont'd.

B District

Requirements

In the RM District, sign indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.

For each office unit occupying a building, one (1) sign.

For each office building, one wall sign and/or one freestanding sign, not to exceed eighteen (18) sq. ft. in area.

No sign shall project beyond overhang the wall, or any permanent architectural feature, by more than three (3) feet, and shall not project above or beyond the highest point of the roof or parapet.

Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.

Freestanding, accessory signs may be located in the required front yard.

SECTION 4.16 SITE PLAN REVIEW:

1. A site plan shall be submitted to the Village of West Farmington Planning Commission for approval of the following:
  - a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
  - b. Any development, except single-family and two-family residential for which off-street parking areas are provided as required in SECTION 4.11.
  - c. Any use in a RM, or B District lying contiguous to or across the street from a One-Family Residential District.
  - d. Any use except R-One Family and Two-Family Residential which lies contiguous to a freeway, expressway, arterial, or collector street.
  - e. All residentially related uses permitted in single-family district such as, but not limited to, churches, schools, and public facilities.
  - f. Building additions or accessory buildings shall not require Planning Commission review unless off-street parking in addition to that already provided on the site is required.
2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the County Subdivision Engineering Department and/or Building Department, and the County Sanitary Engineering Department for compliance with the standards of the respective departments.
3. The following information shall be included on the site plan:
  - a. The scale of the site plan shall be determined by the following schedule:
    1. If subject property is under five (5) acres in area, the scale shall not be less than 1" = 50'
    2. If subject property is five (5) to ten (10) acres in area, the scale shall not be less than 1"= 50'

3. If subject property is over ten (10) acres in area, the scale shall not be less than 1" = 100'
- b. Date, Northpoint, and Scale.
- c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- d. The location of all existing and proposed structures on the subject property and all existing structures within 100' of the subject property.
- e. The location of all existing and proposed drives and parking areas.
- f. The location and right-of-way widths of all abutting streets and alleys.
- g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
4. In the process of reviewing the site plan, the Planning Commission shall consider:
  - a. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - c. The Planning Commission may further require landscaping fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

- d. In those instances, wherein the Planning Commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Village ~~so as~~ to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Village.

SECTION 4.17 ACCESS TO A MAJOR THOROUGHFARE:

For uses referring to this Section, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, arterial, collector, or local street.

SECTION 4.18 OWNER OR OCCUPANT TO KEEP LAND CLEAN

Each occupant and each owner of a lot, yard, or parcel of land within the Village shall keep such lot, yard or parcel of land in a clean condition and free of filth, rubbish, junk, refuse, litter, Brush piles, excess building materials, or similar matter. In case the occupant or owner cannot be located for service of the notice of such a violation, the Fiscal Officer is authorized to advertise such notice in a newspaper of general circulation in the Village by one insertion and posting the premises.

SECTION 4.19 GARBAGE AND OR SOLID WASTE ON PREMISES PROHIBITED:

:

- (A) DEFINITIONS. As used in this section, the following words shall have the following meanings in the interpretation and enforcement of this section:
  - (1) “Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.
  - (2) “Property” means any real property within the Village which is not a street or highway.
  - (3) “Scrap Metal” means and includes pieces of or parts of steel, iron, tin, zinc, copper, aluminum or any other alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.

- (4) “Junk” means scrap metal as defined herein together with other types of metal and salvaged rope, bags, paper, rags, glass, Plastic, or rubber or any other material attached thereto and similar or related articles or property.
- (5) “Garbage” means discarded animal and vegetable matter, as from a Kitchen, any matter that is no longer needed, anything that is completely worthless, inferior, or vile.
- (6) “Solid Waste” means accumulated lawn debris and waste including but not limited to grass, branches, leaves, old tires, construction debris including but not limited to scrap wood, concrete, blacktop, drywall, insulation, shingles, electrical, plumbing scrap and discarded or useless material.

(B) Automobile Parts, Scrap Metal or Junk.

No person in charge of or in control of any property within the Village whether as an owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal or junk to remain on such property This section shall not apply to automobile parts, scrap metal or junk in an enclosed building or other sheds or enclosures specially designed for the purpose of storage of such material unless such enclosures become a nuisance. All enclosed buildings that face a road or Street must have doors to conceal the content.

(C) Storage of Automobile Parts, Scrap Metal and Junk.

- (1) When the storage of automobile parts, scrap metal or junk in any building or specially designed enclosure within the Municipality has become a nuisance by the reason that such building or enclosure harbors rats, roaches, or other vermin or is a nuisance by reason of danger of fire or entry therein by juveniles or suspicious persons or upon repeated complaints by residents of the Village shall be given notice in writing to the person in charge of or in control of such property that the building or enclosure has become a. nuisance by the Village Zoning Inspector.
- (2) No person in charge of or in control of any property within this Municipality, whether as owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal or junk or junked vehicle to remain in any building or enclosure within the Village longer than thirty (30) days after receipt of a written notice that the building or enclosure had become a nuisance.

- (3) Any person served with notice of a violation and who fails to cause such violation to cease within thirty (30) days of the date upon which the notice provided in subsection ( C ) was issued, shall be subject to the penalties provided in this section. Note this will be covered under violations.
- (4) Notice of subsequent violation(s) Will be first issued a verbal warning. If violation(s) are not resolved with 2 weeks a written notice will be sent certified mail outline the violation(s). If violation(s) are not resolved within 30 days of receipt of written notice a citation will be issued by the Mayor, his/her agent, the Police Department, or agents thereof. 3 steps! Verbal 2 weeks, written 30 days, citation Appeal form will be attached to verbal and written.

**Exceptions.**

Notwithstanding the provisions of this section, it shall not be unlawful for any person in charge of or in control of any property within the Municipality to purchase new or used building material and to place or store such items upon any lot, lots, parts of lots, or parcel of land within the Municipality when such materials are to be used by the purchaser or person in charge of or in control of such property in later construction on the same lot or any lot owned or controlled by such person. However, such material shall not remain on the lot, lots, parts of lots, or parcel of land for a period of more than thirty (30) days, unless actual construction or erection planned for the use of the material has commenced and continues unabated daily. Furthermore, such materials must be used or consumed in the construction on or removed from the premises within a period of four (4) months from the time the materials are first placed on the lot, lots, parts of lots, or parcel of land. No person or persons shall move any material so stored or placed to another location within the Municipality for the purpose of avoiding the intent of this section. Such material may be moved to another lot, lots, parts of lots, or parcel of land when the materials have been sold to a bona fide purchaser for value for such purchaser's own use.

**(D) Citations:**

Any person served with written notice of a violation(s) by registered mail and fails to cause such violation(s) to cease within thirty (30) days of the date notice was mailed, a citation will be issued by the Mayor, his/her agent, the Police Department, or agents thereof. Violation(s) shall be subject to a penalty which shall be equal to a minor misdemeanor with a maximum fine of one hundred Fifty Dollars (\$150.00).



(E) Junk vehicles and junk motor vehicles on premises prohibited:

(a) DEFINITIONS. As used in this section, the following words shall have the following meanings in the interpretation and enforcement of this section:

- (1) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (2) "Property" means any real property within the Municipality which is not a street or highway.
- (3) Vehicles and Motor vehicles  
shall be defined by the Ohio Revised Code Section 4501.01 and is to include any portion or parts of any vehicle whether attached or not to said vehicle.
- (4) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, low-speed micro mobility devices.
- (5) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power.
- (6) Disabled vehicles and motor vehicles  
means any ~~motor~~ vehicle which is incapable of being operated or propelled by the vehicle's owner power.
- (7) "Unlicensed Vehicle and motor vehicle"  
vehicle which is not registered for and carrying a current license for use on the public highway.
- (8) "Nuisance" If condition A exists and one or more of condition B, the vehicle is defined as a nuisance.

Condition A

- Vehicle doesn't appear to have moved in 45 days.

Condition B

- Vehicle is on blocks, jack stands, has flat tire(s), or not on own wheels.
- High grass or under growth can be seen under, around, or in vehicle.
- Items are stacked in, on, or around the vehicle.
- Vehicle has body damage, missing parts, is partially dismantled, or has clear mechanical problems.
- Vehicle is not parked in a building, on a driveway, or other paved / gravel area.
- Window glass is broken, obscured, or opaque so as to make the vehicle inoperable.
- Vehicle poses environmental or health / safety risk (leaking fluids, animal occupancy, ect.)

(F) Outside storage of Unlicensed or disabled vehicles and motor vehicles.

No person, firm or corporation shall store or permit to be stored, for a period of more than thirty (30) days, any unlicensed or disabled vehicles and motor vehicles on any property within this Village, unless such vehicle shall be within a completely enclosed building or garage.

(G) **Subsequent Violation(s):**

Once the Thirty (30) day notice has been sent to a property owner advising him/her of this section, should a second violation occur, after the expiration of the first thirty (30) day notice or the same violation, there shall be no further requirement for a thirty (30) day notice and the property owner involved may be subject to immediate citation. See section (H).

(H) **Citations:**

Any person served with written notice of a violation(s) by registered mail and fails to cause such violation(s) to cease within thirty (30) days of the date notice was mailed, a citation will be issued by the Mayor, his/her agent, the Police Department, or agents thereof. Violation(s) shall be subject to a penalty which shall be equal to a minor misdemeanor with a maximum fine of one hundred Fifty Dollars (\$150.00).

(I) **Failure to correct:**

Failure to correct the violation constitutes a nuisance. A citation shall be issued by a Village police officer, charging the violator with a violation of division (I) of this section.

A first offence shall constitute a minor misdemeanor. A subsequent violation constitutes a fourth-degree misdemeanor.

#### GENERAL EXCEPTIONS

##### SECTION 5.01 ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of nine (9) inches above grade upon which shall be placed, shall for the purpose of this Ordinance, not be considered to be a structure, and shall be permitted in any required yard.

##### SECTION 5.02 AREA, HEIGHT, AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

##### SECTION 5.03 ESSENTIAL SERVICES:

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance.

##### SECTION 5.04 HEIGHT:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

##### SECTION 5.05 LOT AREA:

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted other than conditional uses for which special lot area requirements are specified in the Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in SECTION 4.09. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SECTION 5.06 LOTS ADJOINING ALLEYS:

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 5.07 PORCHES:

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SECTION 5.08 PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 5.09 VOTING PLACE:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

SECTION 5.10 YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

SECTION 5.11 DOG REGULATIONS:

A It shall be unlawful for any dog(s) to run at large off the premises of the owner or owners, with in the limits of the Village of West Farmington unless accompted by the person(s),owning, keeping, harboring, or having the same in charge, and the owner(s) or keeper, or harborer of any dog is hereby required to keep the same upon his/her premises, except as afore said.

- B It shall also be unlawful for any person or persons to harbor or keep within the limits of the Village of West Farmington any dog which by barking, biting, howling or otherwise disturbs the good order of quite of the Village or any inhabitant(s) thereof.
- C Any person or persons owning, keeping, or harboring any dog contrary to provisions of this ordinance shall be liable to a fine of not less than five (\$5) dollars, not more than fifty (\$50) dollars for the first offence. For each offence thereafter, a fine of not less then fifty (\$50) dollars not more than one hundred fifty (\$150) dollars shall be imposed. Each day that this ordinance iv violated shall be a separate offence.
- D Any harborer of a dog who permits the dog to run at large and it is found that the dog has bitten a person shall be fined not less than fifty (\$50) dollars or not more than one hundred fifty (\$150) dollars.

SECTION 5.12 Yard and business grass:

- A Uncut grass / weeds is defined as any grass / weeds in excess of five (5) inches.
- B The Village Zoning inspector shall give written notice to the owner / occupant of the property by serving a copy of the violation notice in person, positing it on the door, email, phone call, or by regular mail. If the property is vacant then the violation notice will be sent issued by email, phone call, or regular mail.
- C The violation notice to the property owner / occupant shall be as follows; “you are notified that uncut grass / weeds in excess of five (5) inches have been found on this property. You are given seven (7) days to correct this violation. Failure to comply will result in a citation.
- D A fine of not less than five (\$5) dollars, not more than fifty (\$50) dollars for the first offence. For each offence thereafter, a fine of not less than fifty (\$50) dollars not more than one hundred fifty (\$150) dollars shall be imposed. Each day that this ordinance iv violated shall be a separate offence.

CONDITONAL USE PERMITS

SECTION 6.01 PURPOSE:

To provide for issuance of Conditional Use Permit where conditionally permitted uses are provided for in this Ordinance.

SECTION 6.02 PROCEDURES FOR MAKING APPLICATION:

Any application for a conditional Use Permit for any land, structure, or use permitted under this Ordinance shall be submitted in accordance with the following procedures:

1. Application Submitted to the Zoning Inspector

Any application for a Conditional Use Permit shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals. Each application shall be accompanied by the payment of a fee of twenty-five dollars (\$25), which fee shall not be refundable. In addition, the Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

2. Data Required with Application

- a. Permit Form supplied by the Zoning inspector and completed by the applicant.
- b. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale, and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their use, and the acreage or area involved, including that for parking including distance to all property lines and storm drains.
- c. A detailed description of the proposed use process or procedure, including any chemicals, machinery, equipment, and safety protocol.
- d. Sufficient plans and specifications for all proposed development and construction, and where appropriate, reclamation.

3. Review by the Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. Such review by the Board of Zoning Appeals shall be completed and made public within forty-five (45) days of the date of submission.

4. Hearing

After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application, after at least one (1) publication in a newspaper of general circulations in the Village, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

5. Issuance and Revocation of Conditional Use Permits – Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Use Permit. The breach of any conditions, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution.

6. Resubmission of Application for Conditional Use Permit

No application for a Conditional Use Permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application, each reapplication shall be accompanied by the required fee.

7. Termination

The Conditional Use Permit shall become void at the expiration of one (1) year after the date of issuance unless the Process, structure, alteration, or land use has begun.

8. Continuation of Existing Uses Conditionally Permissible

All uses existing at the time of passage of this Ordinance and conditionally permissible in their respective districts under this Ordinance, shall be issued Conditional Use Permits by the Zoning Inspector within one (1) year after the passage of this Resolution.

SECTION 6.03 BASIS OF DETERMINATION:

The Board of Zoning Appeals shall determine beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for the insuring that the intent and objectives of this ordinance will be observed.

1. General Standards

The Board of Zoning Appeals 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 on the proposed location:

- a. 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;
- b. Will not be hazardous or disturbing to existing or future neighboring uses;
- c. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- d. Will be serviced adequately by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- e. Will follow State, County, and Village regulations.
- f. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets and roads.



SECTION 7.01 ZONING INSPECTOR:

For the purposes of enforcing the zoning regulations, the Mayor and Council shall establish and fill the position of Village Zoning Inspector with such persons as the Mayor and Council deem necessary. The Term of employment, rate of compensation, and other such conditions shall be set by the Mayor and Council.

SECTION 7.02 DUTIES OF ZONING INSPECTOR:

The Zoning Inspector shall have the power to grant zoning compliance permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of SECTION 4.09.

Under no circumstances is the Zoning Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Inspector.

The Zoning Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 7.03 BOARD OF ZONING APPEALS:

The Board of Zoning Appeals shall have the power to administer SECTION 6.01 of this Ordinance and shall have the powers as specified in SECTION 9.04 of this Ordinance.

SECTION 7.04 SUBMISSION OF APPLICATIONS:

All applications for zoning permits shall be submitted to the Zoning Inspector, who may issue zoning permits when all applicable provisions of this Ordinance have been complied with.

SECTION 7.05 ZONING PERMITS REQUIRED:

1. No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use that does not conform with the provisions of this Zoning Ordinance without a permit issued by the Zoning Inspector. The application for a zoning permit shall include the following information:
  - a. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
  - b. The location, dimensions, height, and bulk of structures to be erected (construction plans).
  - c. The intended use.
  - d. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
  - e. The yard, trees, open area, and parking space dimensions.
  - f. A Septic Tank permit from the Trumbull County Board of Health OR a Sanitary Sewer permit from the Trumbull County Sanitary Engineers Office. When applicable
  - g. Any other pertinent data as maybe necessary to determine and provide for the enforcement of this Ordinance.
2. No permit shall be issued by the Zoning Inspector until the fees herein prescribed have been paid.
3. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Ordinance and the application is accompanied by the property fee as indicated in SECTION 7.07. However, where approval of the Trumbull County Subdivision Engineer shall be required in compliance with Subdivision Regulations, no permit shall be issued until such approval is obtained.
4. The zoning permit shall become void at the expiration of one (1) year after the date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon

proper application. All construction shall be completed within two (2) years of date of issuance of the zoning permit.

5. One set of construction plans and one plat plan for new structures and alterations and additions for single (1) and two (2) family residence.
6. Two sets of construction plans and one plat plan for new structures and alterations and additions for three family or more residence, commercial, and industrial structures, which plans shall be reviewed by the Farmington Fire Department District for conformance with the State Fire Laws.

#### SECTION 7.06 CERTIFICATE OF OCCUPANCY:

No person shall 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 of structure until a Certificate of Occupancy has been issued by the Trumbull County Building Inspector. The Certificate of Occupancy shall be issued within ten (10) days after the erection or alteration of such building has been completed and inspected a final time by the Trumbull County Building Department, provided that all construction or alteration is in conformance with the Trumbull County building Code and this Ordinance. In no way is a Zoning permit to be also considered a building permit. Building permits, when applicable, shall be obtained from Trumbull County

#### SECTION 7.07 FEES:

##### 1. Residential Uses:

Permit fees listed below

- a. Home and Structure Alternations (siding, roofing, windows and other similar alterations/improvements).
- b. Minor structures (new construction and or addition to/of certain structures). Minor structures include fences, unenclosed porches, decks, swimming pools, dormers, gazebo, addition of Bilco doors. This permit may cover multiple structure as long as such structures are included in the list above and on the same permit request.
- c. The following fee table covers all other residential uses and construction and/or addition to structures. This table shall also apply if multiple structures (i.e. a fence, a minor structure, and a garage) were being reviewed.

<u>STRUCTURE VALUATION GREATER THAN</u>	<u>STRUCTURE VALUATION UP TO</u>	<u>PERMIT FEE</u>
\$0.00	\$1,000.00	\$10.00
\$1,000.00	\$5,000.00	\$20.00
\$5,000.00	\$10,000.00	\$30.00
\$10,000.00	\$20,000.00	\$40.00
\$20,000.00	\$50,000.00	\$50.00
\$50,000.00	\$75,000.00	\$75.00
\$75,000.00	\$100,000.00	\$100.00
\$100,000.00	\$125,000.00	\$125.00
\$125,000.00	\$150,000.00	\$150.00
\$150,000.00	\$175,000.00	\$200.00

ALL VAULATONS ABOVE \$200,000.00 WILL ADD \$1.00 FOR EVERY \$1,000.00 OF VAULATON OF \$200,000.00 TO THE REQUIRED BASE FEE.

2. Home Occupations (Office and Permitted Uses)

The fee for Home Occupations shall be \$50.00.

Any associated new structures (signs, fences, storage, etc.) will require separate permits and additional fees.

3. Office and Business Uses

- a. Fifty dollars (\$50.00) for any valuation up to but not exceeding fifty thousand dollars (\$50,000).

Plus, an additional fee of one dollar (\$1.00) per thousand dollars (\$1,000.00) or fraction thereof for valuation over fifty thousand dollars (\$50,000.00).

- b. Alteration and addition for any valuation up to but not exceeding five thousand dollars (\$5,000.00) - \$10.00

Plus, an additional fee of one dollar (\$1,00) per thousand dollars or fraction thereof for valuation over five thousand dollars (\$5,000.00).

- c. Tents – (temporary) - \$10.00 (over 120 square feet)

4. Industrial

- a. One hundred dollars (\$100.00) for any valuation up to but not exceeding one hundred thousand dollars (\$100,000.00).

Plus, an additional fee of one dollar (\$1,00) per thousand dollars or fraction thereof for valuation over one hundred thousand dollars (\$100,000.00).

- b. Alteration and addition for any valuation up to but not exceeding five thousand dollars (\$5,000.00) - \$10.00

5. Recreational, Institutional, Governmental, and Miscellaneous Structures and/or Accessory Buildings, or Additions - \$15.00

6. Signs

- a. Temporary – no charge

- b. Permanent (under twenty (20) square feet) - \$20.00
  - 20 square feet, but less than 50 square feet - \$20.00
  - 50 square feet, but less than 100 square feet - \$50.00
  - 100 square feet, but less than 200 square feet - \$100.00
  - 200 square feet, but less than 300 square feet - \$200.00
  - 300 square feet, but less than 400 square feet – \$300.00
  - 400 square feet, but less than 500 square feet - \$400.00
  - 500 square feet and larger - \$500.00

- c. Real Estate Advertising Signs under 16 square feet – no charge

7. Other Permitted Uses Not Specified Above - \$50.00

For land use not otherwise covered in this fee schedule.

8. Application for Board of Appeals - \$50.00

When the Board finds it necessary to maintain a strict record of public hearing procedures, or when the Board deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

9. Zoning Amendment - \$75.00

Application to the Zoning Inspector for a change in zoning classification or a text amendment.

10. Conditional Use Permit - \$50.00

SECTION 7.08 FAILURE TO OBTAIN PERMIT BEFORE CONSTRUCTION OR USE HAS COMMENCED:

The zoning permit required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning permit issued in conflict with the provisions of this resolution shall be null and void.

SECTION 7.09 REVOCATION OF PERMITS:

1. The Village Zoning Inspector may revoke any permit or approval issued under the provisions of this Zoning Ordinance and may stop work for any of the following reasons:
  - a. Whenever there is a violation of any of the provisions of this Zoning Ordinance; or any statute of the State of Ohio relating to the same subject matter; or any violation of the regulations of the Department of the County to which this Zoning Ordinance refers jurisdictional authority.
  - b. Whenever the continuance of any work becomes dangerous to life or property.
  - c. Whenever there is a violation of any condition on which the issuance of the permit or approval was based.
  - d. Whenever any false statements or misrepresentations have been made in the application plans on which the issuance of the permit or approval was based.
2. The Notice of the Revocation of the permit shall, in every case, be in writing and shall be served upon the owner, his agent, or the person having charge of the work. A revocation notice shall also be posted upon the building or operation in question by

the Village Zoning Inspector. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

**SECTION 7.10 REFUND OF PERMIT FEES:**

When a permit shall have expired by limitation or the project for which a permit was issued has been abandoned, such permit shall be returned to the Village Zoning Inspector for cancellation, and he shall be authorized to issue a refund to the applicant in an amount equal to one-half (½) of the total permit fee paid. No refund shall be allowed where the total permit is less than ten dollars (\$10.00).

**ENFORCEMENT, PENALTIES, AND OTHER REMEDIES**

**SECTION 8.01 VIOLATIONS:**

**1. Notice of violation(s):**

Any violation(s) will be first issued a verbal warning. This will be done in person by the zoning inspector, if possible. If contact cannot be made, the violation notice will be left at the residence. All verbal violation notices will be in writing clearly stating cause for the violation. If the violation(s) are not resolved with 2 weeks, a written notice will be sent by certified mail outlining the violation(s) and subsequent next steps. If violation(s) are not resolved within 30 days of receipt of written notice, a citation will be issued by the Mayor, his/her agent, the Police Department, or agents thereof.

Notice under this section shall be in writing and shall be served upon the person in charge of, or in control of such property within the Municipality, whether as owner, tenant, occupant, lessee, or otherwise either personally or at the usual place of residence of such person in charge of, or in control of, such property, or by registered or certified mail. Addressed to such person's last known place or residence.

**2. Subsequent Violation(s):**

Once the Thirty (30) day notice has been sent to a property owner advising him/her of this section, should a second violation occur, after the expiration of the first thirty (30) day notice or the same violation, there shall be no further requirement for a thirty (30) day notice and the property owner involved may be subject to immediate citation. See section (4).

**3. Appeal process:**

An appeal can be made for said violation(s) using the appeal form that will be attached to the written violation notice(s). The form must be filled out stating the reason for the request for the appeal and will need to be submitted to the zoning board within the time frames listed on your violation notice. This can be done by mail, drop box, or contacting the Zoning inspector. The appeal application will be reviewed by the Zoning Board at the next meeting. This meeting is open to the public and applicant may attend the review. The Zoning Board will review the appeal and may approve, deny, or request more information concerning the appeal request

#### **4. Citations:**

Any person served with written notice of a violation(s) by registered mail and fails to cause such violation(s) to cease within thirty (30) days of the date notice was mailed, a citation will be issued by the Mayor, his/her agent, the Police Department, or agents thereof. Violation(s) shall be subject to a penalty which shall be equal to a minor misdemeanor with a maximum fine of one hundred Fifty Dollars (\$150.00).

#### **5. Failure to correct:**

Failure to correct the violation constitutes a nuisance. A citation shall be issued by a Village police officer, charging the violator with a violation of division (I) of this section. A first offence shall constitute a minor misdemeanor. A subsequent violation constitutes a fourth-degree misdemeanor.

(a). In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Ordinance, or supplements, or amendments thereto, the Mayor, Council, Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action of proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

#### **SECTION 8.02 PUBLIC NUISANCE PER SE:**

Any building or structure which is abandoned, erected, altered, or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation or any of the provisions thereof is hereby declared to be a public nuisance per se, and may be issued violation(s), including citations, by the Zoning Inspector and/or be abated by order of any court of competent jurisdiction.

#### **SECTION 8.03 FINES, IMPRISONMENT:**



The owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

**SECTION 8.04 EACH DAY A SEPARATE OFFENSE:**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**SECTION 8.05 RIGHTS AND REMEDIES ARE CUMULATIVE:**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**SECTION 8.06 SEVERANCE CLAUSE:**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

**BOARD OF ZONING APPEALS**

**SECTION 9.01 CREATION AND MEMBERSHIP:**

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided under Chapter 713 of the State of Ohio Revised Code as amended, and in such way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of five (5) members appointed by the Mayor. The current Board, upon passage of this Ordinance, shall retain their current terms and positions but replacements shall be in conformance with this Section. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; One (1) member appointed for a period of two (2) years; One (1) member appointed for a period of three (3) years; One (1) member appointed for a period of four (4) years; One (1) member appointed for a period of five (5) years, respectively; thereafter each member to hold office for the full five (5) year term. Any

vacancies in the Board shall be filled by appointment by the Mayor for the remainder of the unexpired term. The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Board of Zoning Appeals may be fixed by the Village Council.

SECTION 9.02 MEETINGS:

All meeting of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The Secretary of the Zoning Board of Appeals, or his/her representatives, 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 also keep records of its hearings and other official action. Three (3) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oath, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

SECTION 9.03 APPEAL:

An appeal may be taken to the Board of Appeals by any person, firms, or corporation, or by any officer, Department, Board, Bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Inspector and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certified to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or duly authorized agent or attorney.

SECTION 9.04 JURISDICTION:

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, not to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative

review, interpretation, exception, or special approval permit and to authorize a variance as defined in this Section and laws of the State of Ohio. Said powers include:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

2. Variance

To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional undue hardship upon, or exceptional practical difficulties to the owner of such property provided such relief may be granted without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

3. Exceptions and Special Approvals

To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorized the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:

- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- d. Permit such modification of height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- e. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.
- f. Permit, upon proper application the following character of temporary use, not otherwise permitted in any district not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible; uses which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace morals, comfort, convenience, and general welfare of the inhabitants of The Village of West Farmington shall be made at the discretion of the Board of Appeals

4. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf-driving ranges and out-door archery courts; or structures which do not require foundations, heating systems, or sanitary connection.
5. The use shall be in harmony with the general character of the district.
6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

SECTION 9.05 NOTICE OF HEARINGS:

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll. Such hearings shall be advertised by one (1) publication ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice be required.

SECTION 9.06 CONSIDERATIONS:

In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance, in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets,, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of The Village of West Farmington, Ohio. The unanimous vote of the members of the Board present shall be necessary to reverse any order, requirements, decisions, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be

construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Village Council of West Farmington in the manner provided by law.

SECTION 9.07 DECISIONS:

A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him/her, and shall incorporate the terms and conditions of the same in the zoning permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

SECTION 9.08 APPEALING THE DECISION OF BOARD:

COUNCIL ACTION

Any person or any officer, department, board, or bureau of the city aggrieved or affected by a decision of the Board of Appeals, may appeal such decision to Village Council by filing with the Clerk of Council a written notice of such appeal within ten (10) days of the decision by the Board of Appeals.

The Clerk of Council shall forthwith, upon the receipt of such notice of appeals, notify the Board of Appeals of its filing, and the Secretary of Council with exact copies of all papers or records pertaining to such decision.

The Clerk, shall at the next regular meeting of Village Council, refer such appeal to Council. Within sixty (60) days thereafter Council may, by resolution passed by a vote of 2/3 of the members thereof, revise or modify the decision of the Board of Appeals. Should Council fail to act within such period of sixty (60) days or should the resolution of revision or modification fail to be passed by the required 2/3 vote of Council, such decision of the Board of Appeals shall be deemed to be affirmed.

An appeal to Village Council, as herein provided, shall stay all proceedings of the action.

### ZONING COMMISSION

The Village Planning Commission, as specified under Chapter 713 of the State of Ohio Revised Code, as amended, shall perform the zoning duties provided in the statute in connection with the amendment of this Ordinance.

### PLANNING COMMISSION APPROVAL

In cases where the Village Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion, be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance.

### CHANGES AND AMENDMENTS

#### SECTION 10.01 GENERAL:

Whenever the public necessity, convenience, general welfare or good zoning practices require, Village Council may amend, supplement, or change the regulations district boundaries or classifications of property, after receipt of recommendation thereon from the Village Planning Commission, and subject to the procedures established under Chapter 713 of the State of Ohio Revised Code, as amended.

It shall be the duty of the Village Planning Commission, after investigation, hearing and study, to submit its recommendations regarding all applications for amendments supplements, or changes to Council.

SECTION 10.02 DETAILS OF PROCEDURE:

Applications for any change in the regulations, district boundaries, or classifications of property shall be made in the following manner:

1. On the initiative of Village Council, which shall be by passage of a resolution that it is deemed advisable that the Village Planning Commission investigate and study the proposed change.
2. On the initiative of any property owner in the Village which request shall be accompanied by:
  - a. A completed "Application for Zoning Change" form, which shall be provided by the Zoning Inspector.
  - b. A petition for zoning change signed by the owners of a majority of the properties lying within the area sought to be changed and by the owners of majority of all properties within two hundred (200) feet of any part of the area sought to be changed.
  - c. A map or sketch of the area sought to be changed, and the location of such area in relation to the nearest street.
  - d. A deposit of the fee required in SECTION 10.03.

The application for zoning change petition and map shall be filed by the applicant with the Zoning Inspector.

When the Zoning Inspector determines that all requirements have been satisfactorily completed and are correct and the fee paid, he shall immediately forward the original application, petition, and map to Village Council and forward copies of same to the Planning Commission.

In the event the applicant is unable to obtain the signatures of a majority of the property owners as required by 2b, of this Section, he may appear before the Planning Commission and request the Planning Commission to recommend such change to Village Council.



The Planning Commission shall give due consideration to any and all such requests.

SECTION 10.03 APPLICATION FEES:

1. At the time an application for zoning change, petition and map are filed as provided herein, the applicant shall deposit seventy-five dollars (\$75.00) with the Zoning Inspector as a fee to cover investigations, legal notices and other related expenses. Such fee is to be established by the Village Council by resolution.
2. In the event the Village Planning Commission recommends disapproval of the application for zoning change and the applicant elects to withdraw the application before so certified to Council, then fifty (50) percent of the application fee shall be refunded to the applicant.

SECTION 10.04 REFERENCE AND HEARING:

1. Action by Council shall be only after report by the Village Planning Commission and after a public hearing by Council, notice of the time and place of which shall be published by the Clerk of Council at least once in a newspaper of general circulation in the Village not less than thirty (30) days prior to such hearing.
2. Written notice of the hearing shall be mailed by the Clerk of Council, by first class mail at least twenty (20) days before the date of the public hearing to the owners of all properties lying within the area sought to be changed and to the owners of all properties within two hundred (200) feet of any part of the area sought to be changed to the addresses of such owners appearing on the County Auditor's current tax list to the applicant, the secretary of the Planning Commission, and to such others as may be specified.
3. During such thirty (30) days, the application, map and other documents relating to such proposed change in zoning, including the recommendation and documents submitted by the Planning Commission, shall be on file for public examination in the office of the Zoning Inspector.

SECTION 10.05 CHANGE IN RECOMMENDATION:

Any ordinance, measure, or regulation which violates, differs from, or departs from the plan, report or recommendation submitted by the Planning Commission, shall not take effect unless passed or approved by not less than three-fourths ( $\frac{3}{4}$ ) of the full membership of Village Council.

SECTION 10.06 NOTICE OF FINAL DISPOSITON:

The Clerk of Council shall notify the applicant and the property owners in accordance with the requirements in SECTION 10.04 by first class mail, of the final disposition taken by Council.

The Clerk of Council shall also send a copy of such final disposition to the Planning Commission and the Zoning Inspector.

SECTION 10.07 PUBLICATION AND RECORD OF CHANGES:

There shall be included with the publication of the Ordinance approved by Council a graphic description of the area affected by the zoning change.

On or immediately after the effective date of any change approved by Council, the Zoning Inspector will record such change on the zoning map.

SECTION 10.08 RECONSIDERATION:

If an application for zoning change is denied by Council, another application for the same zoning change shall not be filed within a period of one (1) year from the date of denial, except upon the initiative of Council, or upon the recommendation of the Planning Commission after a showing of a change of circumstances which would warrant reconsideration.

SECTION 10.09 INTERPRETATION:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

SECTION 10.10 VESTED RIGHT:

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district zoning classification, or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the presentation or protection of public health, safety, and welfare.

EFFECTIVE DATE

This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety, and welfare of this community, and for the further reason that the adoption of said Ordinance is necessary to assure proper community growth and development. Therefore, this Ordinance shall be in full force and effect immediately from and after its passage by Council and upon approval by the Mayor.

PASSED IN COUNCIL THIS 5 DAY OF April, 1983.

ATTEST: Armin C. Bailey  
Clerk of Council

Thomas W. Christler, Jr.  
President of Council

APPROVED: \_\_\_\_\_

James E. Richards  
Mayor