

# **FARMINGTON TOWNSHIP ZONING RESOLUTION**

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**Adopted**

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# **CHAPTER I - TITLE, AUTHORIZATION, AND PURPOSE**

## **SECTION 100 TITLE**

This Resolution shall be known as the Zoning Resolution of Farmington Township, hereinafter referred to as the Zoning Resolution or Resolution.

## **SECTION 101 PURPOSE**

For the purpose of promoting the health, safety, convenience, comfort, prosperity, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with Farmington Township Comprehensive Plan, the Board of Township Trustees of Farmington Township finds it necessary and advisable to regulate the location, the size and the use of buildings and structures and the use of land for trade, industry, residence, recreation or other purposes; and for such purposes to divide the unincorporated areas of the Township into use districts. or zones, and to provide procedures for the administration and enforcement of this Resolution. This resolution is in accordance with and based on the requirements of ORC 519.02.

## **SECTION 102 GENERAL OBJECTIVES**

This Zoning Resolution is intended to achieve, among others, the following objectives:

1. To protect and enhance the character and value of residential, business, industrial, institutional, and public uses lands and to ensure their orderly, compatible, and beneficial development.
2. To protect and preserve the cultural resources of the Township;
3. To provide for adequate open spaces for light, air, and outdoor uses;
4. To prevent overcrowding of the land;
5. To prevent uncoordinated development;
6. To regulate the location of buildings and intensity of use in relation to streets, so as to cause the least interference with and cause the least damage to traffic movements, resulting in less street congestion and improved public safety;
7. To encourage land use patterns that ensure economical extensions for sewers, water supply, waste disposal, and other public utilities, as well as development of recreation and other public facilities;
8. To guide the future development of the Township so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the comprehensive plan of Trumbull County which includes Farmington

- Township;
9. To prevent damage to environmentally sensitive areas;
  10. To protect ground water quality; and
  11. To accomplish the goals and purposes set forth in each Chapter-consistent with the purpose of this Resolution.

### **SECTION 103 AUTHORIZATION**

This Resolution is authorized by the Ohio Revised Code (ORC) 519.

### **SECTION 104 INTERPRETATION**

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

### **SECTION 105 SEVERABILITY**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. This resolution can be separated into legally distinct rights or obligations that can be enforced independently.

### **SECTION 106 REPEAL OF CONFLICTING RESOLUTIONS**

All existing Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give the Resolution full force and effect. This section complies and is in accordance with the provisions of ORC 519.12.

### **SECTION 107 EFFECTIVE DATE**

This Resolution shall become effective on the date of its approval and adoption, as provided by law.

## **SECTION 108 ZONING PERMITS AND FEES**

Such fees are for the purpose of defraying the cost of inspection, certification, and maintenance of the necessary records, and may be altered from time to time by a majority vote of the Township Zoning Commission with approval of the Farmington Township Trustees to meet existing conditions and costs.

The schedule of fees shall be posted in the office of the Zoning Inspector. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

All fees collected by the Zoning Inspector shall be turned over by him to the Township Fiscal Officer and the same shall become part of the funds to be used to pay the expenses of zoning.

## **CHAPTER 2 – ADMINISTRATION**

### **SECTION 200 PURPOSE**

This chapter sets forth the powers and duties of the Zoning Commission, the Zoning Board of Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution and sets forth procedures for variances/appeals.

### **SECTION 201 GENERAL PROVISIONS**

The formulation, administration and enforcement of this Zoning Resolution are hereby vested in the following offices and bodies within Farmington Township and Trumbull County:

Zoning Inspector  
Zoning Commission  
Zoning Board of Appeals  
Township Trustees  
County Planning Commission  
County Prosecutor and Courts

### **SECTION 202 ZONING INSPECTOR**

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector shall be appointed by the Board of Township Trustees (BOTT) and shall receive such compensation as the Board of Township Trustees may provide. The BOTT will solicit applications and select the best qualified applicant to fill the Zoning Inspector position.

For the purpose of this Resolution the Zoning Inspector shall have the following duties

1. Apply and enforce the provisions of this Resolution.
2. Respond to questions concerning applications for amendments to the Zoning Resolution and the Official Zoning District Map.
3. Issue Applications for permits, zoning permits, and certificates of occupancy as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons for such refusal or disapproval.

Failure to notify the applicant of the refusal or disapproval within the specified time shall entitle the applicant to submit the request to the Board of Zoning Appeals.

5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation to notify in writing the owners and persons responsible, specifying the nature of the violation and ordering corrective action necessary to correct the violation, citing the sections of this Resolution that has been violated.
6. Maintain in current status the official zoning district map which shall be kept on permanent display in the Farmington Township Offices.
7. Maintain permanent and current records required by this Resolution including but not limited to applications, zoning permits, zoning certificates, inspection documents and records of all variances, amendments, and special uses.
8. Make such records available for the use of the Farmington Board of Township Trustees, the Zoning Commission, the Zoning Board of Appeals, and the public.
9. Review and approve site plan pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Farmington Board of Township Trustees, the Zoning Commission, and the Zoning Board of Appeals on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include the sections concerning the schedule of fees.
12. Maintain a list of nonconforming uses with location and exact nature of the existing nonconformity.
13. Any other administrative duties as necessary and permissible.

## **SECTION 203     TOWNSHIP ZONING COMMISSION**

The Farmington Township Zoning Commission as established by the Farmington Township Trustees under ORC 519.04 shall consist of five (5) members who reside in the unincorporated part of the township. The Zoning Commission shall organize, adopt rules for transacting business and keep records of its actions and determinations. The terms of such members shall be arranged so that the term of one member shall expire each year. Each member shall serve until his/her successor is appointed and qualified. Vacancies on the Zoning Commission shall be filled by the Farmington Township Trustees. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, after a public hearing has been held regarding such charges and after a copy of the charges has been served upon the member so charged at least ten days

prior to the hearing, either by registered mail or leaving it at their place of residence. The member shall be given an opportunity to be heard and answer such charges.

The Zoning Commission shall meet quarterly, or more frequently if deemed necessary by its membership, and may initiate amendments to this Resolution from time to time. At the first meeting of the year, Reorganization of the Zoning Commission shall be made, and normal business may proceed following Reorganization. The Chairman of the Zoning Board of Appeals shall be notified of such meetings and is encouraged to attend to ensure that the Zoning Board of Appeals is kept fully informed of amendment(s) and their proper intent and meaning.

A majority of the five members of the Zoning Commission shall constitute a quorum and when only three members are present, the unanimous vote of all three shall be required to take an affirmative action.

The Farmington Township Zoning Commission shall have all of the responsibilities conferred upon it by the Ohio Revised Code 519.05 and subsequent amendments and such other duties as will aid in best carrying out ORC requirements and which at a minimum shall include:

1. Keep current the plan for zoning districts and regulations for such districts. A periodic review of the zoning plan and district regulations in light of changing conditions, comprehensive plan, consistency, amendments, community needs, and best available planning technology and practices, shall be undertaken by the Zoning Commission to meet this requirement.
2. Initiate amendments to the Zoning Resolution text and/or district map based upon its required periodic review where such amendment could result in a better Resolution.

## **SECTION 204 TOWNSHIP ZONING BOARD OF APPEALS**

The Farmington Township Zoning Board of Appeals as established by the Farmington Township Trustees under ORC 519.13 shall consist of five (5) members who reside in the unincorporated part of the township. The Zoning Board of Appeals shall organize, adopt rules for transacting business and keep records of its actions and determinations. The terms of such members shall be arranged so that the term of one member shall expire each year. Each member shall serve until his/her successor is appointed and qualified. Vacancies on the Zoning Board of Appeals shall be filled by the Farmington Township Trustees. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, after a public hearing has been held regarding such charges and after a copy of the charges has been served upon the member so charged at

least ten days prior to the hearing, either by registered mail or leaving it at their place of residence. The member shall be given an opportunity to be heard and answer such charges.

Meeting of the Zoning Board of Appeals shall be held when business requires with the exception of the organizational meeting which shall be in January of each year or according to the call of the Chairman, or in his absence the acting Chairman. The Chairman, or acting Chairman, may administer oaths and the Zoning Board of Appeals may compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public and no action of the Board shall take place in executive session except as permitted by law.

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, shall become a public record, open to public inspection.

A majority of the five members of the Board shall constitute a quorum and when only three members are present, the unanimous vote of all three shall be required to take an affirmative action.

The Township Zoning Board of Appeals shall have all the powers and responsibilities prescribed by the ORC 519.14 and any additional powers that may be included in ORC Chapter 519, subsequent amendments thereto as well as other responsibilities which will aid in carrying out its duties and at a minimum include the following:

1. Appeal from Decision of the Zoning Inspector: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. Grant Variances: To authorize upon appeal, in specific cases, in their discretion, variances from the terms of the Resolution as will not be contrary to the public interest; where the applicant establishes “practical difficulties” when seeking an area variance, or “unnecessary hardship” when seeking a use variance, where owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship; and so that the spirit of this Resolution shall be observed and substantial justice done.
3. To grant Conditional Zoning Certificates: To authorize the use of land/buildings or structures under the conditions specified in this chapter, the district regulations and with such additional safeguards as will uphold the intent of this Resolution.
4. To revoke an authorized Variance or Conditional Zoning Certificate granted for the extraction of minerals: If any condition of the variance or conditional

certificate is violated. The Zoning Board of Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate of this section of his right to a hearing before the board, within thirty days of the mailing of the notice if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke a variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above powers, the board may, in conformity with the law, reverse or affirm, a decision of the Zoning Inspector, in whole or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. Appeals from any decision of the Board shall be to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. As provided in R.C. 2505.07, any such appeal shall be made within thirty (30) days of the Board's written decision.



## **SECTION 205     BOARD OF TOWNSHIP TRUSTEES**

The powers and duties of the Board of Township Trustees with regards to this Resolution are as follows:

1. Approve the appointments of members to the Zoning Commission;
2. Approve the appointments of members to the Zoning Board of Appeals;
3. Select and approve the appointment of the Township Zoning Inspector;
4. Initiate or act upon suggested amendments to the Zoning Resolution text or official zoning district map;
5. Final action upon a suggested zoning amendment shall be undertaken at a public hearing;
6. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by Township Trustees;
7. Determine the compensation of the Zoning Inspector, the Zoning Commission, and the Zoning Board of Appeals.

## **SECTION 206     APPEALS AND VARIANCES**

Appeals to the Zoning Board of Appeals concerning interpretation or administration of this Resolution by the Zoning Inspector may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected. Such appeal shall be taken within thirty (30) days after the decision by filing with the Zoning Inspector, a notice of appeal specifying the order appealed from, the grounds upon which the appeal is being taken, and the applicable fee. The Zoning Inspector shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The BZA shall hold a hearing and determine whether the Zoning Inspector correctly applied the Zoning Regulation to the property under the circumstances.

The Zoning Board of Appeals may authorize on appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in practical difficulties (for an area variance) or unnecessary hardship (for a use variance).

The current provisions of the Ohio Revised Code and applicable case law shall prevail over any conflicting provisions of this Zoning Resolution.

Application for a Variance: application shall be filed with the Zoning Inspector by the owner of the property for which the variance is sought (or other interested party with the consent of the owner), along with a site plan and the required application fee. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant(s);
2. Legal description of the property and a map of the property from the county auditor's website;
3. The required fee as established by the Board of Township Trustees in this Resolution;
4. List of adjoining property owners with addresses from current record
5. The specific variance(s) requested, including the specific provisions of the Zoning Regulations from which a variance is requested.
6. A narrative statement describing the reason the variance is requested, and the impact of the proposed variance upon adjoining property owners and the Township, considering the effect of such elements as noise, light, odor, vibration and traffic;
7. A description of the special conditions or circumstances giving rise to the need for a variance; and
8. A site plan drawn to an appropriate scale clearly showing the following:
  - a. The boundaries and dimensions of the property;
  - b. The dimensions and location of existing and proposed buildings and structures, including distances from the lot lines and neighboring buildings;
  - c. The use of all existing and proposed buildings and structures; and
  - d. The location of all buildings and structures on adjacent properties.

Consideration of an application for an Area Variance: An "area variance" is a variance which varies regulations pertaining to frontage, setbacks, yards, height and other dimensional requirements.

In *Kisil v. City of Sandusky*, 12 Ohio St. 3d 30 (1984), the Ohio Supreme Court held that an application for an area variance only needs to establish "practical difficulties." A property owner encounters "practical difficulties" when an area zoning requirement unreasonably deprives the owner from the use of the property. In *Duncan v. Middlefield*, 23 Ohio St.3d 83 (1986), the Supreme Court listed seven factors to be considered by the BZA in determining whether a property owner seeking an area variance has encountered "practical difficulties" in the use of his or her property:

1. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. whether the variance is substantial;
3. whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. whether the property owner purchased the property with knowledge of the zoning restriction;
6. whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

None of these factors are conclusive, and the property owner does not need to establish all of these factors. The BZA has the discretion to determine how to weigh and balance the factors. The ultimate standard the BZA applies in making a decision on an area variance is “whether the area zoning requirement, as applied to the property owner in question, is reasonable.” *Duncan* at 86.

Consideration of an application for a Use Variance: A use variance authorizes a landowner to establish a use which is otherwise not permitted under the Zoning Regulations, if the BZA determines that the strict application of the terms of the Regulations would create an unnecessary hardship. This standard is higher than the “practical difficulties” standard applied to area variances. An “unnecessary hardship” exists when it is not economically feasible to use the property as permitted under its zoning classification due to characteristics unique to the property. It is not proper to grant a use variance for a change in use so dramatic that it constitutes a change of zoning. Zone changes must go through the Zoning Commission and the Township Trustees.

In considering an application for a Use Variance, the Board of Zoning Appeals shall consider all relevant factors including, but not limited to, evidence which demonstrates the following:

1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution or the district in which it is

located and shall not be injurious to the area or otherwise detrimental to the public welfare.

2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
3. There must exist special circumstances or conditions, as described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land
4. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution: it must be suffered directly by the property in question and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

When granting any Variance request, the Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of the variance as granted, or of any conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

Hearings before the Board of Zoning Appeals: The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of a completed application for an appeal or variance or conditional use. Notice of the hearing shall be given in one or more newspapers of general circulation in the County at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, the address of the property, and the nature of the proposed appeal or variance. Before conducting the public hearing written notice of such hearing shall be mailed by the Secretary of the Zoning Board of Appeals, by first class mail or in person, at least 20 days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Failure to give any such notice shall not invalidate any decision of the Board of Zoning Appeals.

The hearing shall be public although the Board may enter into executive session to deliberate prior to issuing a decision. All witnesses must testify under oath. Formal rules of evidence shall not apply, but the Chairman of the Board can exclude irrelevant, immaterial, or repetitious evidence. The Board may adjourn and continue any hearing to a subsequent date.

The applicant, and those in opposition to the application, shall have the opportunity to appear and be heard in person, or by an attorney, in support of or in opposition to the application and:

1. Present their position, arguments and contentions;
2. Offer and examine witnesses and present evidence in support or opposition;
3. Cross-examine witnesses;
4. Offer evidence to refute evidence and testimony offered in opposition to his or her position;
5. Subpoena material witnesses, through the authority of the Board and under its discretion and control.

The Board shall keep minutes of its proceedings. Within sixty (60) days after the public hearing, the Zoning Board of Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance, unless an extension of time is agreed to in writing by both the applicant and the Board. The Zoning Board of Appeals shall issue findings of fact and conclusions of law if the decision is appealed to Court.

Other review processes shall follow the variance procedures for notice and action by the Zoning Board of Appeals unless otherwise indicated within this Resolution.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained from the Zoning Inspector within such period and the erection or alteration of a building is started or the use is commenced within such period.

Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots but generally the respective area and width of the lot or lots should not be less than seventy-five percent (75%) of the required area and width.
3. To permit the same off-street parking facility to qualify as requirement facilities for
4. two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
5. To reduce the applicable off- street parking or loading facilities required, but generally by not more than twenty-five percent (25%) of required facilities.
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
7. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than twenty-five percent (25%).
8. To increase the maximum allowable size or area of signs generally by not more than twenty-five percent (25%).
9. To increase the maximum gross floor area of any use so limited by applicable regulations, but generally not more than twenty-five percent (25%).
10. Similar modifications of the requirements of this Resolution as the Zoning Board of Appeals may deem necessary consistent with the purpose of variances and the intent of this Resolution.

## **CHAPTER 3 – DEVELOPMENT REVIEW PROCEDURES**

### **SECTION 300 PURPOSE**

The purpose of this section is to establish the procedures for site plan review, as well as provide general site planning guidelines in order to assure that all the elements required in this resolution are present in a site plan and that their design, location, and relationship to one another, to the site and to adjacent properties are appropriate to achieve the intent and goals of this resolution. These site planning guidelines are intended to benefit both the developer and the community. The site planning guidelines are not intended to dictate specific tastes and architectural styles but are intended to make sure that significant design elements are considered in future development.

### **SECTION 301 PROJECTS REQUIRING SITE PLAN REVIEW**

The Zoning Board of Appeals shall conduct site plan review for all projects to come before it, as set forth in this chapter and all other applicable sections of this zoning resolution. This includes site plan reviews for all conditionally permitted uses as specified in this resolution.

Site plan review shall be required for the following types of projects/developments:

1. New construction or relocation of building(s) for all development types, **except** for single family and two-family dwellings and permitted home occupations, not part of a platted subdivision, PUD (Planned Unit Development), or Cluster Development.
2. Conversions of an existing structure to non-residential use.
3. Projects which are contemplating an addition or expansion, which have at least one of the following effects:
  - a. Alteration or re-arrangement of on-site parking which results in a reduction or increase in the number of parking spaces or placement within a required front yard area.
  - b. Increasing floor area by twenty-five (25%) percent or more of the existing floor area.
  - c. Alteration of traffic flows by way of ingress and egress or within the site itself.
4. The construction of public or private off-street parking areas where they are permitted under this resolution.

## **SECTION 302     SITE PLAN APPLICATION REQUIREMENTS**

When the zoning inspector has determined that a proposed project requires site plan review, an application shall be sent or given to the developer or agent.

The application for site plan review shall include the following items:

1. Application form completed.
2. Architectural plans - three (3) copies showing exterior elevations and floor plans. If exterior elevations are not available, reasonable graphic representations may be submitted.
3. Site plan - ten (10) copies, showing the following items:
  - a. General vicinity map;
  - b. Property boundary lines;
  - c. Elevation contours;
  - d. Traffic and circulation plan;
  - e. Adjacent streets;
  - f. Parking and loading plan;
  - g. Landscaping plan;
  - h. Grading and erosion control, surface drainage plan;
  - i. Proposed signage;
  - j. Existing structures;
  - k. and Utility plan;

All site plan drawings shall be prepared by a professional engineer, architect, or surveyor, as applicable and shall have their seal on the plans.

4. The application shall be accompanied by a fee as specified by Appendix A. Applications without fees will not be processed.
5. A list of property owners within 1/4 mile of the property lines of the subject property, as they appear on the Trumbull County Auditor's current tax list or Treasurer's mailing list.
6. Copies of current tax maps for the subject and above properties.
7. Project cost estimates.

Following submission of all required information in the proper format and required

number, the zoning inspector will notify the Zoning Board of Appeals and begin the process of arranging a meeting for the site plan review and provide any necessary notices required by this resolution.



## **SECTION 303     CONDITIONAL USE CERTIFICATES OR PERMITS**

In recent years, the characteristics and impacts of any ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, size, method of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional zoning certificates or permits shall conform to the procedures and requirements of this Chapter and any other applicable regulations of this Resolution, and the provisions of this Chapter apply to the location and maintenance of any and all conditional uses.

## **SECTION 304     CONDITIONALLY PERMITTED USES**

The Board of Appeals may authorize the issuance of a conditional use permit for any of the following building or uses in any district:

1. Quasi-Public buildings.
2. Recreational area.
3. Day school, nursery school, private and commercial school.
4. Institutions.
5. Homes for the elderly.
6. Cemeteries, provided that no mausoleum shall be located less than two hundred (200) feet adjacent property and/or street lines, and that any new cemetery shall contain a minimum of twenty (20) acres.
7. Private aircraft landing field and its necessary appurtenances.
8. A parking lot to be used in conjunction with an abutting property or property directly across the street, provided the lot is to be used, at no charge, for the parking of motor vehicles of owner, employees, customers, patrons or guests of the person or firm controlling and operating the lot and any other conditions as required by the Board of Appeals.
9. Boarding kennels.
10. Community Residences, including but not limited to Group Homes, Recovery Homes, and halfway Houses, Hospices, Emergency Shelters, Residences for victims of abuse and other similar group living unit arrangements. Location Restriction: No new Community Residence of any type shall be established on

any property or lot that is within ½ mile or 2640 feet from the nearest lot line to the nearest lot line of any property on which a Community Residence of any type already exist.

11. Home occupations not listed may be considered through the conditional use process subject to review and approval by the Zoning Board of Appeals. Industrial uses shall not be allowed as home occupations.
12. Telecommunication Towers in Residential Districts.

### **SECTION 305 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

The Board of 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 at the proposed location:

1. Shall 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 shall not detract from, nor devalue other properties within its general vicinity;
2. Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water sewer (as approved by Trumbull County Health Department), and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
3. Shall not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
4. Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
5. Shall have vehicular approaches to the property which shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
6. Shall not result in destruction, loss, damage of a natural, scenic, or historic feature of major importance.

### **SECTION 306 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any conditional use, the Board of Appeals may prescribe appropriate conditions and safeguards regarding:

1. General character, height and use of structure;

2. Provisions of surrounding open space and treatment of ground;
3. Buffering;
4. Street capacity, traffic, parking;
5. Front, side and rear yard requirements;
6. Lighting, noise and odor;

Violations of such conditions and safeguards, when made a part of the terms which conditional use is granted, shall be deemed a violation of this resolution.

### **SECTION 307 EXPIRATION OF CONDITIONAL USE PERMIT**

A conditional use approval shall be deemed to authorize only one particular conditional use and said approval shall become void if construction is not begun within one (1) year of approval or the use is not implemented and construction completed within two (2) years of the date of approval by the Zoning Board of Appeals.

### **SECTION 308 CONDITIONAL USE PERMIT PROCEDURE**

An application for conditional use permit shall be filed with the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address and phone numbers of applicant;
2. Legal description of property;
3. Description of existing use;
4. Description of proposed conditional use;
5. A plan of the proposed site for the loading areas, traffic access and traffic circulation, landscaping, service area, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution.

### **SECTION 309 PROCEDURE FOR HEARING NOTICE**

Upon receipt of the application for a conditional use permit the Board of Appeals shall hold a Public Hearing within sixty (60) days from receipt of said application, publish notice in newspaper, and give written notice to adjacent property owners.

**Action by the Board of Zoning Appeals** - Within sixty (60) days after the public hearing the Board shall approve, approve with supplementary conditions or disapprove the application as presented. If the application is approved with

modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the conditions specified by the Board of Appeals. Any persons jointly or severally adversely affected by the decision of the Board of Appeals may appeal to the Court of Common Pleas of Trumbull County. The Court may affirm, reverse, vacate, or modify the decision complained of in the appeal. Such appeal must be presented to the Court within ten (10) days after the filing of the decision in the office of the Board.

### **SECTION 310 VIOLATION OF THE PROVISIONS OF A CONDITIONAL USE PERMIT**

No person shall violate any provision of any properly issued conditional use permit, nor shall any person misrepresent or fail to disclose any pertinent facts, circumstances, or conditions during the application and hearing procedures required to obtain a conditional use permit. Upon the finding of such alleged violation(s) and/or misrepresentation(s), the Board of Zoning Appeals may revoke said conditional use permit and/or impose any additional restriction as may be necessary to correct any violation conditions. In addition, the Zoning Inspector and the Board of Township Trustees may prosecute for such violation(s) and/or misrepresentation(s) in the same manner as is done with other Zoning violations.

### **SECTION 311 AMENDMENTS**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may amend these Regulations by Resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, or otherwise supplement, change or repeal these Regulations, its restrictions, or boundaries or classification of property, or any other part thereof.

### **SECTION 312 INITIATION OF ZONING AMENDMENTS**

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

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one (1) owner, with consensus and agreement of other owner(s) acknowledged in writing, or lessee, with written and notarized consent of owner(s), of property within the area proposed to be changed or affected by said amendment;
4. By a motion of the Zoning Board of Appeals requesting the Zoning

Commission's consideration of recommended amendment(s).

### **SECTION 313     CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

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

1. The name, address, and phone number of the applicant(s);
2. The proposed amending resolution;
3. A statement of the reason(s) for the proposed amendment;
4. Present Land Use(s) within area of proposal;
5. Present Zoning District;
6. Proposed Use;
7. Proposed Zoning District;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
10. A statement on the ways in which the proposed amendment relates to the comprehensive plans.
11. A site plan shall be provided if determined to be necessary by the Zoning Inspector;
12. Fee for submittal as established by Appendix A of this Resolution.

### **SECTION 314     CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

(If initiated by owner, lessee, or legal representative, other than the Township Trustees, Zoning Commission, or a request by the Zoning Board of Appeals for Zoning Commission consideration.)

Application for amendments proposing to change, supplement, amend or repeal any portion(s) of this Resolution, other than the Official Zoning Map shall contain the following information:

1. The name, address and phone number of the applicant(s);
2. The proposed amending resolution;

3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan, public necessity, convenience, general welfare, or good zoning practices and the intent of this Zoning Resolution;
5. A site plan shall be provided if determined to be necessary by the Zoning Inspector;
6. Fee for submittal as established by appendix A of this Resolution.

### **SECTION 315 TRANSMITTAL TO ZONING COMMISSION**

Immediately after adoption of a Resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Zoning Commission and the Chairman of the Zoning Board of Appeals shall be notified.

### **SECTION 316 SUBMISSION TO COUNTY PLANNING COMMISSION**

Within five (5) days after adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by the owner(s), lessee, or legal representative, the Zoning Commission shall transmit a copy of such motion, resolution, or application, and site plan, if necessary, together with the text and/or map pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

### **SECTION 317 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

Before any zoning amendment is approved affecting any land within three hundred feet (300') of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred feet (500') from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration

of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

### **SECTION 318 PUBLIC HEARING BY ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution or filing of such application.

### **SECTION 319 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before the public hearing a notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and date of the public hearing, the nature of the proposed amendment and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

### **SECTION 320 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least fifteen (15) days before the public hearing, to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as required of the notice published in the newspaper.

### **SECTION 321 RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The written decision of the Zoning Commission is to include the basis for their determination that the proposed amendment is or is not consistent with the

comprehensive plan if there is a comprehensive plan adopted by the Township or the County which includes the Township.

### **SECTION 322 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees.

### **SECTION 323 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

### **SECTION 324 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which the Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection at the next primary or general election.

No amendment for which such referendum vote has been requested as stated above shall be put into effect unless a majority of the votes cast on the issue are in favor of the amendment Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

### **SECTION 325 NOTICE OF ACTION TAKEN**

After conclusion of the public hearing of the Township Trustees and upon the adoption or denial of zoning amendment(s) proposed, the Fiscal Officer of the Township shall submit the resolution which indicates the action taken by the Board of Trustees to the applicant, the County Planning Commission, the Chairman of the Zoning Commission, the Chairman of the Zoning Board of Appeals, and the Township Zoning Inspector.



## **CHAPTER 4 – DISTRICT ESTABLISHMENT, ZONING MAP, AND USE REGULATIONS**

### **SECTION 400 PURPOSE**

The purpose of this chapter is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights and values of all individuals by assuring the compatibility of uses and practices within districts.

### **SECTION 401 ESTABLISHMENT OF DISTRICTS**

The following zoning districts are hereby established for Farmington Township, Trumbull County, and State of Ohio to accomplish the purpose set forth in Section 101 and 102 as well as the specific purpose of each district:

R1	Residential, Agriculture
R2	Residential, Single Family
MH	Mobile Home
C	Commercial
I	Industrial
PR	Parks and Recreation
PS	Public Service

Nothing in this chapter shall be construed to require the actual location of any district on the official zoning map, as it is the intent of this Resolution to provide flexibility in its administration to allow future expansion.

### **SECTION 402 AGRICULTURAL USES**

Land in any district may be used for agricultural purposes. No permit fee for a Zoning Certificate shall be required for the construction of Agricultural Buildings and structures. A Zoning Certificate shall, however, be required for all non-agricultural use structures, such as a home, garage, or pole building for the storage of non-agricultural material and equipment, and such buildings shall require a permit fee.

As provided in R.C. 519.21, In a platted subdivision, or in any area consisting of fifteen or more lots approved under the Ohio Revised Code Section 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:

1. On lots of one acre or less in size:
  - a. The raising of fruits, vegetables, and plants is permitted.
  - b. The raising of livestock or animal husbandry is prohibited, except for keeping chickens, ducks, rabbits, and similar small farm animals in compliance with Section 438.
  - c. Agricultural buildings and structures must comply with all requirements for the Zoning District, except that greenhouses must comply only with building setback lines.
2. On lots more than one (1) acre but less than five (5) acres:
  - a. The raising of fruits, vegetables, and plants is permitted;
  - b. The property owner may keep livestock, including pigs, dairying and animal husbandry provided that:
    - i. Location. Agricultural Buildings and enclosures for containing livestock shall not be closer than 50 feet to an adjacent property line or 100 feet from a neighboring dwelling.
    - ii. Odor/Insects/Waste. The property must be maintained reasonably free of vermin, flies, maggots and obnoxious smells, so as not to disturb neighboring residents' use and enjoyment of their property. Manure shall not be permitted to accumulate.
    - iii. Enclosures and Fences. Livestock shall be wholly contained within a fenced area or enclosure.
    - iv. Noise. No livestock or bird shall be kept that makes noise which unreasonably disturbs the peace and quiet of neighbors.
    - v. Slaughtering of Animals. Chickens, ducks, rabbits and similar small animals may be slaughtered only inside a Garage or other Building only and only for use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site. Animals killed by hunting may be slaughtered and hung on the premises.
  - c. Agricultural Buildings must comply with the requirements for that zoning District regarding setback building lines, height, and size, except that greenhouses must comply only with setback building lines.
3. On lots greater than five (5) acres:
  - a. All agricultural uses, and all Agricultural Buildings and structures incident to the use of land for agricultural purposes are permitted.
4. Agricultural Building Use Application/Certification Form. Before constructing an agricultural building on any lot, the property owner must submit an agricultural building use application/certification form to the zoning inspector. The Zoning

Inspector will determine if the proposed building meets the requirements for an Agricultural Building.

#### **SECTION 403 MINIMUM LOT AREA PER FAMILY**

No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than 1.5 acres of lot area unless such lot was designed on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform to this requirement.

No multiple family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than 3 acres of lot area per family.

Two single-family homes may be constructed on a lot that is larger than five acres, provide that the requirements for a Second Single Family Dwelling as set forth in this Zoning Resolutions are met.

No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each fifty thousand (50,000) square feet of lot area.

Only one half of the width of the road or street right-of-way may be included in computing lot area if the lot owner holds title to the same.

#### **SECTION 404 CULVERT INSTALLATION AND PERMITS**

No zoning permit shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to the highway until the owner or occupier of such property has secured the permit from the State Department of Transportation, the County Engineer, or the proper Township Official (whichever has jurisdiction), for permission to install a culvert of the proper size and specifications required by said Governmental authority having jurisdiction and completed proper installation of such culvert.

Before a zoning permit is issued by the Zoning Inspector for new construction on township roads, the Zoning Inspector shall determine the necessity of requiring a culvert to be installed at the expense of the property owner. If the Zoning Inspector determines that a culvert shall be necessary, a permit shall be issued for the culvert which may be found on the same document as the zoning permit.

Minimum culvert size is 12" Diameter X 40' Length of double walled plastic pipe. Ingress and egress to the highway (driveway) shall be located at least 10' from any

property line.

#### **SECTION 405     ZONING DISTRICT MAP**

The districts as shown on the official zoning map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

#### **SECTION 406     ZONING MAP LEGEND**

There shall be provided on the official zoning map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the official zoning map shall provide sufficient space for updates.

#### **SECTION 407     IDENTIFICATION OF OFFICER ZONING MAP**

The official zoning map shall be properly identified by signature of the Chairman of the Board of Township Trustees and attested by the Township fiscal Officer and bearing the official seal. The map shall be maintained by the Zoning Inspector and shall remain on file in the office of the Zoning Inspector. The official zoning map shall control whenever there is an apparent conflict between district boundaries as shown on the map and the descriptions as found in the text of this Resolution or any other resolution. Zoning district areas designated by symbols, classification, or other representation and delineated in accompanying text as to the depth, length, and location of such zoning district areas shall control when such delineation is complete as to depth, length, and location. Such symbols, classification, or other representation delineated in accompanying text shall appear upon the zoning map or attached be considered part of the official zoning map and, be signed and attested to accordingly. The official zoning map shall be a reproducible document, and copies shall be made available to the public upon request. Not later than January 30 of each year, the map shall be recertified annually by the Chairman of the Board of Township Trustees and the Township Fiscal Officer.

#### **SECTION 408     INTERPRETATION OF DISTRICT BOUNDARIES**

The following rules shall be used to determine the precise location of any zoning district boundaries unless such boundary is specifically indicated on the official zoning map.

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines, street lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the center of the stream, lake, or other body of water, unless otherwise indicated;
6. Where the district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation or township political boundary line, such boundary line shall be construed following such limits;
7. Whenever any street, alley, or other public way is vacated by the Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation, and all areas shall there forth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Zoning Board of Appeals.

## **SECTION 409     ZONING UPON ANNEXATION**

These regulations shall not apply within any municipal corporations, except that where Farmington Township may be annexed or incorporated by other means, these Zoning Regulations shall apply to those areas so annexed or incorporated until such time as the municipality officially adopts new Zoning Regulations and classifications for such territory annexed or incorporated by other methods.

## **SECTION 410     ZONING MAP AMENDMENTS**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend, or have amended the

official zoning map to reflect such change, and shall note the effective date of such change, together with appropriate references to the Resolution authorizing such change. An addendum to the official zoning map indicating the change shall then be signed by the Chairman of the Board of Township Trustees, the Township Fiscal Officer, the Zoning Inspector, the Chairman of the Zoning Commission, and the Chairman of the Zoning Board of Appeals.

## **SECTION 411 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES**

The following standards shall be considered by the Board of Zoning Appeals for permitted uses when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Zoning Board of Appeals. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits. Such information may also be used in future zoning amendments. Notification of such substantially similar uses shall be made by the zoning inspector to the Township Trustees and the Zoning Commission.

## **SECTION 412 PROHIBITED USES**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in an R1, R2, MH, C, I, PS or PR District:

1. Commercial abattoir, slaughterhouses or stock yards as defined in ORC and other applicable state laws. This does not apply to any slaughtering of poultry or livestock conducted on land used for agricultural purposes.
2. Basement covered only with the roof used for human habitation. However, a temporary permit of not more than one (1) year may be issued by the Township Zoning Inspector for the use of the same pending construction of the completed dwelling, provided a written application is made by the owner accompanied by written plans of the completed dwelling.
3. Building designed for use as a garage and/or barn and used for human habitation. However, a temporary permit of not more than one (1) year may be issued by the Zoning Inspector for the use of the same pending construction of the completed dwelling, provided a written application is made by the owner accompanied by written plans of the completed dwelling.
4. Trailer Parks, mobile home parks, trailers, and mobile homes, except as permitted in the MH District. However, a temporary permit of not more than one (1) year may be issued by the Zoning Inspector for the use of trailers and mobile homes as a residence pending construction of the completed dwelling provided a written application is made by the owner accompanied by written plans of the completed dwelling.
5. Hospitals and sanitariums solely dedicated to the contagious diseases, insane, mental cases, drug, and/or liquor addicts.
6. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass, lumber, or junk salvage for storage purposes.
7. Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal, or dead animals, except as a result from normal use of the premises. Distilling of bones, fat, glue, or gelatin and manufacturing of glue and gelatin or operating a crematory.
8. Manufacturing or storage of cement, gypsum or plaster is prohibited except in Industrial Districts.
9. Commercial aviation fields.
10. Cemeteries, unless there is established a buffer zone of not less than 250 feet from any other use.
11. Large scale permanent sawmills.

12. Any activity which is considered a public nuisance.

### **SECTION 413 RESIDENTIAL DISTRICT (R1 & R2)**

This district is established to provide for and encourage residential uses at a density of one (1) dwelling unit per 1.5 acres. This density is to provide for areas of a semi-rural character in areas which planning studies have indicated would be best suited for low density development due to physical characteristics of the land, general land use characteristics, where central sewer and water are not planned to be developed and where, amenities requirements for higher density development are not present. It is the intent to also encourage agricultural uses to continue in operation

### **SECTION 414 PERMITTED USES IN RESIDENTIAL DISTRICTS**

Within the R1 & R2 Districts, all structures and premises shall be used for the following permitted or conditionally permitted uses as specified:

#### **A. Permitted uses**

1. Single- and two-family dwellings for residential purposes and buildings necessary and incidental thereto.
2. Hospitals, sanitariums or rest homes for other than those solely dedicated to the treatment of the insane or mental cases, providing that such hospitals, sanitariums or rest homes shall have a lot area of not less than five acres and a frontage on a public thoroughfare of not less than five hundred (500) feet, and providing that any such hospital, sanitarium or rest home catering primarily to patients with contagious diseases also shall not have a lot area of not less than one acre per bed in addition to the other requirements herein; and further providing that said hospital, sanitarium or rest home less than one hundred (100) feet. All of these uses shall conform to all Federal, State, and County regulations.
3. Church, school, college, university, public library, public museum, community center, fire station, township hall, publicly owned park, regulation golf course, publicly owned playground, or cemetery.
4. Accessory buildings incidental to the principal use.  
Signs as regulated.
5. Home occupations as regulated.

### **SECTION 415 CONDITIONAL USES IN RESIDENTIAL DISTRICTS**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for all uses listed therein subject to that Chapter's general requirements and specific requirements.



## **SECTION 416 RESIDENTIAL DISTRICTS LOT, AREA, YARD, & HEIGHT REQUIREMENTS.**

1. Minimum lot size:
  - a. 1.5 acres of usable land areas (single family)
  - b. 3.0 acres of usable land area (multi-family) inclusive of road right-of-way
  - c. Larger than 5 acres for two single-family homes on one lot inclusive of road right-of-way.
2. Minimum lot width at building line:
  - a. 200 feet
3. Minimum lot frontage:
  - a. 200 feet or 80 feet for parcels larger than five acres
4. Minimum front yard depth:
  - a. 50 feet from the edge of right-of-way

No building or structure or any portion thereof except steps and uncovered porches less than ten (10) feet in width shall be erected within fifty (50) feet of the right-of-way side line of any road or street except on roads where a uniform setback of less than fifty (50) feet has been maintained by a majority of the buildings within one quarter mile distance on either side of such building.

If a uniform setback of more than fifty (50) feet has been maintained by the majority of other buildings within one quarter mile distance on either side of such building, then such uniform set back shall be continued. If there is no established road right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the road.

5. Minimum side yard:
  - a. 10 feet each side.
6. Minimum rear yard:
  - a. 10 feet.
7. Maximum building height:
  - a. 30 feet to the roofline.
8. Minimum living floor area:
  - a. 1,200 square feet per dwelling unit (first floor or footprint)  
All dwelling units (single-story, one and one-half story, two-story, or other multi-storied home) shall have 1,200 sq. ft. of living space on the first floor or as represented by the footprint of the home. In addition, duplexes or other

similar dwellings with one dwelling unit per floor or side shall be required to have 1,000 square feet per side, floor, or unit. In all dwelling units, floor area shall not include basements of any kind, porches, garages, or breezeways.

9. Minimum building width:

- a. 24 feet

## **SECTION 417 SECOND SINGLE FAMILY DWELLINGS ON LOT IN RESIDENTIAL DISTRICTS**

Two single-family homes may be constructed on a single lot provided that the following requirements are met:

1. The minimum lot size is larger than 5 acres.
2. Both homes must meet the requirements set for in this Zoning Resolution for a single-family home except that once the first home has been built, the second home may be constructed with a minimum size of at least 800 square feet in living floor area on the first floor.
3. The Trumbull County Health /department must approve the water and sewage treatment disposal for both homes.
4. One driveway shall serve both homes, unless the lot has more than 120 feet of road frontage. The driveway shall:
  - a) Have culverts of a minimum 12" x 40' double wall corrugated plastic pipe installed to have sufficient strength to support fire trucks.
  - b) Be firm enough to support fire trucks along its entire length
  - c) Have a minimum of width of fourteen (14) feet which shall be maintained obstruction free (no tree branches, etc.)
  - d) Address for both homes must be posted at the road and any split in the driveway
5. Two single-family homes constructed on a single lot in accordance with this section shall not be considered a Planned Unit Development or Cluster Home Development under this Zoning Resolution.

## **SECTION 418 MOBILE HOME PARK DISTRICTS (MB)**

The purpose of this district is to protect and promote a suitable environment for family life, to meet the needs and demands for the development of mobile home residential areas and to protect and conserve property values and to protect the future development of land in accordance with good planning. Within a MH Mobile Home District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one of the following permitted uses:

## **A. PERMITTED USES**

Uses listed as permitted or conditional in the "R" Residential Districts subject to the same yard, area, height, and minimum floor area provisions.

## **B. PERMITTED MOBILE HOME PARKS AND REQUIREMENTS**

Mobile Home Parks and enumerated accessory uses are permitted with a M.H. Mobile Home District subject to the following regulations which are established to protect and promote a suitable environment for family life, to meet the needs and demands for the development of mobile home residential areas and to protect and conserve property values and to protect the future development of land in accordance with good planning.

1. A minimum site of fifteen (15) acres with approved and installed sanitary sewers with a frontage. At least one paved access way of not less than thirty-six (36) feet in width shall be provided as a means of ingress and egress to the mobile home park from any public thoroughfare fronting on any side of the mobile home park. All streets within the Mobile Home Park as well as alleys and access streets shall be paved and shall be at least twenty-four (24) feet in width.
2. A minimum planted buffer strip twenty (20) feet wide which shall be maintained by the owner of the park. The minimum planted buffer strip shall be provided along the perimeter occupied by any structure or sewer, nor shall it be included as a part of an individual mobile home lot but may be included in the fifty (50) foot set back requirement.

## **SECTION 419 MOBILE HOME PARK DISTRICTS AREA, LOT, AND INSTALLATION REQUIREMENTS**

1. Each mobile home lot shall consist of not less than five thousand (5,000) square feet of area. Any mobile home or other structure permitted shall have a setback of fifty (50) or more from any front or side street property line. Two (2) off street parking spaces shall be provided for each mobile home lot with an area of not less than one hundred eighty (180) square feet per space.
2. The mobile home located upon the lot shall be so located as to provide for a ten
3. (10) foot side yard clearance on each side.
4. Set back building lines shall be a least fifty (50) feet from any street right of

way. In case of a corner lot, a minimum of at least fifteen (15) feet set back shall be provided from any street right of way on the side street, alley, or access way.

5. The minimum floor space of mobile homes designated and used for living quarters shall have a floor space of not less than seven hundred (700) square feet.
6. Four frame, tie downs are to be installed on original pad. Tie down bars to be of buried depth of at least fifty percent (50%) or more of the thickness of the pad, for securing the stability of the mobile home.

## **SECTION 420 ACCESSORY BUILDINGS IN MOBILE HOME PARK DISTRICT**

Accessory uses within a Mobile Home Park Development The following accessory uses and buildings shall be permitted:

1. A permanent dwelling for one family and office maintenance facilities for operation of the Mobile Home Park.
2. Mobile Home offered for sale by the operator of the Mobile Home Park, provided no more than three (3) mobile homes are displayed, such mobile homes to be displayed in accordance with front and side street requirements of the development.
3. One outdoor advertising sign with only the name of the mobile home park advertised thereon.
4. Garages, carports, and accessory buildings provided they are placed no closer than fifty(50) feet to a front or ten (10) to a side property line.

## **SECTION 421 SUPPLEMENTARY REGULATIONS FOR MOBILE HOME PARK DISTRICTS**

1. Required Recreation Area - An area containing not less than ten percent (10%) of the gross land area of the mobile home park shall be reserved for recreational and open space uses. Said area may not be included in the mobile home lot not located within the front, side or rear yard areas of the mobile home park.
2. Prior to the submission of a zoning application for M.H. classification the owner or developer shall submit plans of the mobile home park to the office of the Township Zoning Inspector in compliance with and meeting the requirements of applicable county or state requirements.
3. It shall further be required that a zoning permit be secured for each mobile home located in the mobile home park prior to its installation. The zoning fee for mobile

homes herein is as prescribed in Appendix A. Permit to be secured by the owner of the mobile home park. Permits for all other structures and uses within the mobile home park shall be obtained pursuant to law and this resolution.

4. Each mobile home lot shall be provided with water, electrical, sewer and refuse collecting facilities approved by the Trumbull County Board of Health, Trumbull County Building Inspector and any other governmental agency with power of regulating and controlling said facilities.
5. The Ohio State Department of Health shall have approved the plans and specifications for water supply and sanitary sewerage facilities prior to the submission of plans and construction and use shall conform to regulations for mobile home parks, whether specified by Ohio Statutes, Ohio Department of Health, Trumbull County Health rules or other local rules.
6. All changes in any governmental law or regulation which are more restrictive shall automatically apply to and be incorporated herein.

## **SECTION 422     COMMERCIAL DISTRICTS (C)**

The purpose of this district is to accommodate multi-purpose retail, business, and commercial development with regulations designed to minimize disruption to adequate level of traffic flow along those major roads serving the permitted activities. This district is intended to serve the commercial needs of the community and/or region. Integrated groupings of stores and businesses, and/or retailing of goods and services is encouraged.

## **SECTION 423     PERMITTED USES IN COMMERCIAL DISTRICTS**

Within a Commercial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one of the following uses:

1. Uses listed as permitted in the "R" Residential Districts.
2. Apartment house, condominiums, rooming house, hotel, motel, living quarters over business establishments, restaurants, or lunchrooms.
3. Retail stores or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio for music, art, or dance.
4. Dairy or convenience stores.
5. Lodge Hall
6. Repair garages, gasoline filling and service stations.
7. Indoor theater, bowling alley, dance hall.
8. Job printing, newspaper printing plant.
9. Builder's supply, ice storage and sales, plumbing and heating.
10. Uses similar in character as determined by the Zoning Board of Appeals.
11. Accessory uses clearly incidental to the uses permitted on the premises.

12. Signs as regulated.

## **SECTION 424     CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for all uses listed therein subject to that chapter's general requirements and specific requirements

## **SECTION 425     COMMERCIAL DISTRICTS LOT, AREA, YARD AND HEIGHT REQUIREMENTS**

1. Minimum front yard depth:
  - a. 50 feet from the right-of-waySteps and uncovered porches less than ten (10) feet in width may be erected within fifty (50) feet of the right-of-way.
2. Minimum side yard width:
  - a. 10 feet
3. Minimum rear yard depth:
  - a. 10 feet
4. Height of building:
  - a. 60 feet
5. Minimum frontage:
  - a. 200 feet
6. Minimum lot width:
  - a. 200 feet
7. Minimum lot area:
  - a. 1.5 acres

Permitted Uses that fall under the Residential Districts list of permitted uses shall be governed by the requirements for such uses and structures found in the Residential Districts section.

## **SECTION 426     REAR HOUSES AND OTHER DWELLINGS IN COMMERCIAL DISTRICTS**

A Second single-family home may be erected on a single lot in a Commercial District in compliance with the requirements of Section 417 and 437 of this Zoning Resolution.

## **SECTION 427     PARKING AND LOADING REQUIREMENTS IN COMMERCIAL DISTRICTS**

Adequate parking facilities shall be provided outside the street right-of-way to meet all the

parking needs. All parking areas shall be separated from the street right-of-way and appropriately maintained.

Every building used for commercial purposes shall have efficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

## **SECTION 428     SUPPLEMENTARY REGULATIONS**

Outdoor storage for above uses must be completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure, or in an enclosed structure prior to the start of any commercial activity. No materials shall be stored so as to project above the wall. An Environmental Impact Statement may be requested and required by the Zoning Inspector.

## **SECTION 429     INDUSTRIAL DISTRICTS (I)**

The purpose of the Industrial District is to provide for and encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as odor, smoke, glare, noise in excess of that customarily incidental to loading and unloading and handling of materials and operate entirely within enclosed structures and generate little industrial traffic.

## **SECTION 430     PERMITTED USES IN INDUSTRIAL DISTRICTS**

1. Uses listed as permitted in the Residential Districts and Business Districts.
2. Any normal industrial or manufacturing use, providing such use is not noxious, dangerous, or offensive by reason emission of odor, dust, smoke, gas, noise, flame, or vibration, except uses specifically prohibited in this Resolution.
3. Drive-in or outdoor theaters and commercial amusement parks where rides on mechanical devices are sold.
4. Uses similar in character to above uses subject to approval of Zoning Commission.
5. Accessory uses incidental to the principal use.
6. Signs as regulated.

## **SECTION 431    CONDITIONALLY PERMITTED USES IN INDUSTRIAL DISTRICTS**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for all uses listed therein subject to that Chapter's general requirements and specific requirements.

## **SECTION 432    INDUSTRIAL DISTRICTS LOT, AREA, YARD, AND HEIGHT REQUIREMENTS**

1. Minimum front yard depth:
  - a. 50 feet from right-of-way
  - b. Steps and uncovered porches less than ten (10) feet in width may be erected within fifty (50) feet of the right-of-way.
2. Minimum side yard width:
  - a. 10 feet
3. Minimum rear yard depth:
  - a. 10 feet
4. Maximum height of building(s)
  - a. 60 feet
5. Minimum lot frontage:
  - a. 200 feet
6. Minimum lot width:
  - a. 200 feet
7. Minimum lot area:
  - a. 2 acres

Permitted Uses that fall under the Residential District list of permitted uses shall be governed by the requirements for such uses and structures found in the Residential District sections. Permitted Uses that fall under the Business District list of permitted uses shall be governed by the requirements for such uses and structures found in the Business District sections. Lots, uses, and structures involving multiple dwellings or apartment living quarters shall be governed by, Minimum Lot Area per Family.

## **SECTION 433    PARKING AND LOADING REQUIREMENTS IN INDUSTRIAL DISTRICTS**

Adequate parking facilities shall be provided outside the street right-of-way to meet all the parking needs. All parking areas shall be separated from the street right-of-way and appropriately maintained.



Every building used for commercial or industrial purposes shall have efficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

Adequate parking facilities shall be provided outside the street right-of-way to meet all the parking needs. All parking areas shall be separated from the street right-of-way and appropriately maintained.

Every building used for commercial or industrial purposes shall have efficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

#### **SECTION 434    SUPPLEMENTARY REGULATIONS IN INDUSTRIAL DISTRICTS**

Outdoor storage for above uses must be completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the wall. An Environmental Impact Statement may be requested and required by the Zoning Inspector.

#### **SECTION 435    PARK/RECREATIONAL DISTRICTS (PR)**

No construction or change of environmental character of any type is allowed in PR districts without the approval of the Zoning Board of Appeals.

#### **SECTION 436    PUBLIC SERVICE DISTRICTS (PS)**

Any and all requests to change the zoning classification of existing uses of PS will be reviewed for approval by the Township Zoning Inspector.

#### **SECTION 437    REAR OR FLAG LOTS**

“Rear Lot” also known as a “flag lot” or “back lot” means a lot which is located behind another lot and is connected to a public road by one (1) free simple access strip which is part of the rear lot. A rear lot shall conform to the applicable regulations for the zoning district in which it is located and the following requirements:

1. The minimum lot area shall be larger than 5 acres.
2. There shall be no more than one (1) rear lot behind the front lot.
3. The access strip, the portions of the rear lot that connects it to a public road, shall:

- a. Be in fee simple ownership with the rear lot only. No easements of access or common driveways shall be permitted.
  - b. Be a part of and remain in the same ownership as the rear lot.
  - c. Have a minimum eighty (80) feet of frontage on a public road at the front lot line and shall be a minimum eighty (80) feet in width along its entire length.
  - d. Not have any buildings or structures located within it except for the driveway serving the principal building, structure or use.
4. There shall be a minimum front building setback for structures on a rear lot of fifty (50) feet measured from the rear lot line of the front lot.

## **SECTION 438 -CHICKENS, DUCKS, RABBITS AND SIMILAR SMALL FARM ANIMALS**

The keeping of chickens, ducks, rabbits, and similar small farm animals is permitted as follows:

1. Location. Coops or cages shall not be located within fifteen feet (15') of a Side or a Rear property line.
2. Coops and Cages. All animals shall be provided with a covered coop, cage or shelter that is ventilated, kept clean and in good repair, and of sufficient size to permit free movement of the animals. Birds must be kept in coops from dusk to dawn.
3. Height. Coops and cages shall not exceed ten feet (10') in height.
4. Odor/Insects/Waste. The property must be maintained reasonably free of flies, maggots, vermin and obnoxious smells, so as not to disturb neighboring residents' use and enjoyment of their property. Manure shall not be permitted to accumulate.
5. Enclosures and Fences. The animals shall be wholly contained within a fenced area or enclosure.
6. Noise. No animal or bird shall be kept that makes noise which unreasonably disturbs the peace and quiet of neighbors.
7. Slaughtering of Animals. Chickens, ducks, rabbits and similar small animals may be slaughtered only inside a Garage or other Building only and only if for use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site. Animals killed by hunting may be slaughtered and hung on the premises.

## **SECTION 439 - AGRITOURISM**

1. Agritourism (such as hayrides, farm tours, you-pick harvesting and corn mazes) is permitted as a conditional use on a farm that (1) contains at least 10 acres devoted to agricultural production or (2) produces an average yearly gross income of at least \$2,500 from agricultural production.
2. A property owner seeking to use their property for agritourism must file an application for a conditional use and demonstrate to the Board of Zoning Appeals that the property and the proposed use meet the requirements for agritourism.
3. Buildings constructed for Agritourism must meet the size and set-back requirements of the Zoning District.
4. Adequate ingress and egress must be provided for customers to allow cars to enter and exit without creating a safety hazard or blocking traffic. If a county road is used for entrance or exit, the ingress and egress must be approved by the County Engineer.
5. Adequate parking must be provided for customers to prevent cars from parking on the side of the roads. All parking shall be a minimum of fifty feet from any lot line.
6. Buildings used for Agritourism are required to comply with the Ohio Fire Code. See State Fire Marshal Technical Bulletin 20-001.
7. Buildings used for Agritourism are required to comply with applicable Health Department regulations regarding food service, restrooms, sewer/septic systems and water supply.

## **SECTION 440 - SOLAR ENERGY SYSTEMS**

Pursuant to O.R.C. §519.213, Farmington Township has determined to permit property owners in the township to install solar energy systems on their property to provide electric power for the principal and accessory uses of the property and prohibit the use of solar energy systems for the commercial generation of power for sale or use off the property.

### **1. Definitions.**

- a. “Ground Mounted Solar Energy Systems”: means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- b. “Large solar Facility”: means a solar facility of fifty (50) or more megawatts which is required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.
- c. “Integrated Solar Energy Systems”: means a solar energy system that is incorporated into or replaces standard building materials and does not have

mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

- d. “Rooftop Solar Energy Systems”: means a solar energy system that is mounted to a structure or building’s roof.
- e. “Small Solar Facility”: means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- f. “Solar Energy”: means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- g. “Solar Energy System”: means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

## 2. Permitted Solar Energy Systems

- a. The construction, erection, or siting of an Integrated Solar Energy System, Rooftop Solar Energy System, or a Ground Mounted Solar Energy System shall be a permitted use in any zoning district in the township only if the following requirements are met: (1) the Solar Energy System is sized and used to provide electric power only for the principal and accessory uses on that property, and not for the generation of power for sale off the property except for sale to the power company resulting from occasional incidental excess power generation, and (2) the Solar Energy System complies with all of the requirements set forth in this Section.

## 3. Prohibited Uses

- a. The construction, erection, or siting of any Solar Energy System, including any Large Solar Facility, Small Solar Facility or any Integrated, Rooftop, or Ground Mounted Solar Energy System which does not meet the requirements to be a permitted use as defined in Section B above, is prohibited in all zoning districts in the township.

## 4. Requirements for permitted Solar Energy Systems

- a. A Solar Energy System must comply with the following requirements to be a permitted use.
- b. Integrated or Rooftop Solar Energy Systems:

- c. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System shall not vertically exceed seven (7) feet above the highest point of the roof of the building to which it is attached.

5. Ground Mounted Solar Energy Systems:

- a. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed the maximum height applicable to principal structures located in the zoning district where located.
- b. Coverage: The Ground Mounted Solar Energy System shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event the zoning district does not have a restriction limiting the ground area permitted to be occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, the Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 25% of the total area of the lot or tract.
- c. Location: Ground Mounted Solar Energy Systems are permitted only in the rear yard area. In the case of a corner lot, no Ground Mounted Solar Energy System shall be located between a principal building or structure and a public right-of-way.
- d. Glare: Any Solar Energy System shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- e. Setbacks: Any Ground Mounted Solar Energy System must comply with the setback requirements applicable to the zoning district where located.

6. Applicable to all permitted Solar Energy Systems

- a. Maintenance: All Solar Energy Systems must be maintained in good working order at all times. The owner of the property shall, within three months of permanently ceasing use of the Solar Energy System, dismantle and remove the Solar Energy System and, in the case of Ground Mounted Solar Energy Systems, return the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- b. Building Permits and Inspections: The installation of any Solar Energy System shall not commence until the property owner has obtained all applicable required Building Permits from the State of Ohio and Trumbull County, and all wiring and electrical apparatuses associated with the

operation of the Solar Energy System shall meet all applicable local, state and federal codes.

- c. Advertising: Solar Energy Systems and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- d. Other Restrictions: Solar Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations.

## **SECTION 441 –WIND TURBINES**

Pursuant to O.R.C. §519.213, Farmington Township has determined to permit property owners in the township to install wind turbines on their property to provide electric power for the principal and accessory uses of the property and prohibit the use of wind turbines for the commercial generation of power for sale or use off the property.

### **1. Definitions.**

- a. “Clear fall zone”: means an area surrounding the wind turbine unit, in which the wind turbine and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined with the property lines of the primary parcel where the turbine is located. The purpose of the clear fall zone is such that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.
- b. Large Wind farm”: means a set of wind turbines and associated facilities that are required to submit an application with the Ohio Power Siting Board (OPSB) and at the Public Utilities Commission of Ohio (PUCO) and are required to meet all OPSB regulations.
- c. “Small wind farm”: means wind turbines and associated facilities that are not subject to the jurisdiction of the OPSB under sections 4906.20 and 4906.201 of the Revised Code.
- d. “Wind Energy System”: means Wind Turbine(s) and associated facilities used to produce electricity from wind energy.
- e. “Wind Turbine” means a device that converts the flow of air into mechanical motion that can be utilized to produce electricity.

- f. “Wind Turbine Tower”: means the support structure to which the wind turbine and rotor are attached.

## 2. Permitted Wind Energy Systems

The construction, erection, or siting of a Wind Energy System shall be a permitted use in any zoning district in the township, only if the following requirements are met: (1) the Wind Energy System is sized and used to provide electric power only for the principal and accessory uses on that property, and not for the generation of power for sale off the property except for sale to the power company resulting from occasional incidental excess power generation, and (2) the Wind Energy System complies with all of the requirements set forth in this Section.

## 3. Prohibited Uses

The construction, erection, or siting of any Wind Energy System, including any Large Wind Farm, Small Wind Farm or any Wind Turbine which does not meet the requirements to be a permitted use as defined in Section B above, is prohibited in all zoning districts in the township.

## 4. Requirements for permitted Wind Energy Systems

A Wind Energy System which must comply with the following criteria to be a permitted use.

- a. Height: the maximum height of any wind turbine tower shall be determined by the setbacks and size of the clear fall zone; however, no wind turbine shall exceed 125 feet in height, regardless of the size of the lot. The height is the total height of the wind turbine system, including the tower (or the building on which it is located, if it is a roof top mounted turbine) and the maximum height of the turbine's blades. Maximum height shall be calculated by measuring the length from the top of the blade at maximum vertical rotation to the surface of the ground.
- b. Location: All facilities for the wind energy system including the wind turbine tower are permitted only in the rear yard area. In the case of corner lots, no facilities may be located between a principal building or structure and a public right-of-way.
- c. Setbacks: All facilities for the wind turbine system shall comply with accessory structure setbacks and side and rear yard clearances provided within the zoning district in which the wind turbine tower is erected. In addition, the wind turbine tower must be erected and placed in such a manner that the Clear Fall Zone shall be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling and accessory buildings or uses.

- d. Maintenance: All Wind Energy Systems must be maintained in good working order at all times. A wind turbine is considered to be abandoned when it ceases producing electricity for 30 consecutive days, unless the inactivity is due to repairmen or replacement parts not being available. An unused wind turbine may stand no longer than twelve (12) months following abandonment. The owner of the property shall, within twelve (12) months following abandonment, dismantle and remove the wind turbine tower and all apparatuses, supports, and/or other hardware and equipment.
- e. Building Permits and Inspections: The installation of any Wind Energy System shall not commence until the property owner has obtained all applicable required Building Permits from the State of Ohio and Trumbull County, and all wiring and electrical apparatuses associated with the operation of the wind turbine shall meet all applicable local, state and federal codes.
- f. Advertising: Wind Energy Systems and the property where located shall not be used for the display of advertising. The turbine, including prop blades, turbine, cowling, tower, etc. shall remain in the color provided by the manufacturer, preferably a non-reflective neutral such as white or gray, with logos, advertising, or identification marks other than those of the manufacturer and model type prohibited. \
- g. Lighting: The only permitted lighting on a wind turbine tower is the lighting required by the Federal Aviation Association (FAA) and the Federal Communications Commission (FCC).
- h. Other Restrictions: All Wind Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations.



## **CHAPTER 5 – PROPERTY MAINTENANCE**

### **SECTION 500 PURPOSE**

The purpose of this chapter is to provide regulations, requirements, and guidance when particular types of uses and structures are proposed, and to deal with situations which could prove to be detrimental to adjacent property.

### **SECTION 501 HOME OCCUPATIONS**

Home occupations, home-based businesses, or home businesses are permitted in R1 & R2 Residential Districts and in other districts where property is being used for residential purposes. For use classification purposes a change in use status will exist when a residential structure(s) is converted from one use category to another. Such a conversion shall be made in conformance with all applicable sections of this Resolution prior to the issuance of a Zoning Certificate or Permit. Home occupations shall be categorized as follows:

1. **HOME OCCUPATION 1 (HO1)**- To permit small, part-time business activity with the property owner as the primary business operator and living on the property, with little or no extra road traffic and without the use of outbuildings for business use (an in-home business).
2. **HOME OCCUPATION 2 (HO2)** – To permit small business activity with the property owner being the primary business operator and living on the property, with daily business activity, light extra road traffic, and/or use of outbuildings.

If a home occupation activity, categorized as an HO1, is to be extended or expanded outside the principal dwelling, a change in use will exist and will require an additional permit.

Any business located upon a lot used for residential purposes at the time of the adoption of this Regulation, shall be considered a Home Business unless such use is expressly prohibited in this Regulation. These Home Businesses, unless expressly prohibited shall

be considered grandfathered and in compliance. Any expansion of such enterprises not in accordance with the Home Business regulations in this Section shall require the

prior approval of the Zoning Board of Appeals.

Home occupations listed below shall be permitted in the following manner and under the following restrictions:

**A. LIST OF PERMITTED HOME OCCUPATIONS**

1. Art Studio;
2. Beauty parlor/barbershop (1 chair);
3. Professional consulting service;
4. Data processing;
5. Direct sale product distribution;
6. Dressmaking, sewing, tailoring;
7. Financial planning, investment services;
8. Home. crafts;
9. Insurance sale or broker;
10. Sales representative (office only);
11. Real estate sales or broker;
12. Telephone answering;
13. Tutoring;
14. Typing, word processing service, writing, computer programming;
15. Home office (secretarial, professional trades);
16. Bed and breakfast (maximum of 4 rooms); \_
17. Small dry goods and crafts shop;
18. Fabric sales;
19. Harness and buggy shop;
20. Other home occupations not specifically listed may be considered but must be reviewed and approved by the Zoning Board of Appeals.

**B. REQUIREMENTS AND RESTRICTIONS ON PERMITTED HOME OCCUPATIONS**

1. The home occupation shall be secondary in importance to the use of the dwelling for residential purposes;
2. Shall be conducted by the owners and/or their immediate family with no more than two (2) non-resident employees;
3. Use shall be conducted in the dwelling and/or accessory building;
4. If conducted within the home, the home occupation shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit;
5. The use shall not constitute primary or incidental storage facilities for a business or
6. Industrial activity conducted elsewhere;

7. Evidence of the home occupation shall be undetected from any road or adjacent property except for one (1) sign; any off-premises, secondary, sign shall be approved by the Zoning Inspector in writing.
8. Sign allowed in advertising home occupation are not to exceed three feet by three feet (3' x 3');
9. The proposed use shall not generate noise, odor, dust, smoke, waste material, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which it is located. Lighting shall not be of a nature so as to disturb the neighborhood.
10. No parking shall be located in the front yard area of said dwelling house.
11. Off street parking shall be provided for all vehicles.

## **SECTION 502 JUNK VIOLATIONS**

### **A. OWNER OR OCCUPANT TO KEEP LAND CLEAN**

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

### **B. JUNK OR JUNK VEHICLES STORED OUTSIDE ON PREMISES PROHIBITED**

1. **Outside Storage of Unlicensed or Disabled Motor Vehicles Prohibited.**  
No person, firm, or corporation shall store or permit to be stored, for a more than thirty days. Any unlicensed or disabled vehicle unless such storage is within a completely enclosed building or garage. The thirty (30) day period shall be deemed to run on the date that such person shall have been notified in writing by the Zoning Inspector that such vehicle in being stored in violation of this section. A business place upon a written request to Zoning Board of Appeals, may receive a time extension if sufficient cause is shown. The time of extension shall be no longer than one (1) year.
2. **Outside Storage of Automobile Parts, Scrap Metal, Scrap Wood (or wood waste products) or Junk Prohibited.**  
No person in charge of or in control of any property within the Township, whether as an owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal, scrap wood or junk to remain outside on such property and shall remove such automobile parts, scrap metal or junk from

their property. This section shall not apply to automobile parts, scrap 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.

3. **Enclosed Storage of Automobile Parts, Scrap Metal, Scrap Wood (or wood waste products) and Junk as Nuisance.**

When the storage of automobile parts, scrap metal or junk in any building or specially designed enclosure within the Township 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 person or upon repeated complaints by residents of Township, the Zoning Inspector give notice to the person in charge of or in control of such property that the building or enclosure has become a nuisance.

No person in charge of or in control of any property within this Township, 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 Township longer than thirty days after receipt of a written notice from the Zoning Inspector that the building or enclosure has become a nuisance.

Any person served with notice of a violation and who fails to cause such violation to cease within thirty days of the date upon which the notice provided was issued, shall be subject to the penalties provided in this resolution. A separate offense shall be deemed committed upon each day during or on which the violation occurred or continues beyond such thirty (30) day period.

4. **Subsequent Violations.**

Once a thirty-day notice had been sent to a property owner(s) advising that his/her premises is in violation of this section, and should a second violation of the same occur on the same premises, here shall be no further requirement for a thirty-day notice and the property owner involved may be subject immediate citation.

5. **NOTICE OF VIOLATION(NOV)**

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 Township, 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 certified mail, addressed to such person's last known place or residence.

6. **EXCEPTIONS**

Notwithstanding the provisions of this sections, it shall not be unlawful for any person in charge of or in control of any property within the Township to purchase new or used building material and to place or store them upon any lost, lots, parts of lots, or parcel of land within the Township 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 Township for the purpose of avoiding the intent of this section. Such material may be moved to another lot, lots, part 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.

7. **CITATIONS.**

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 was issued, shall be subject to a penalty as stated in this resolution.

## **SECTION 503 WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES POLICY AND REQUIREMENTS**

### **A. PURPOSE**

It is the purpose of this section of the Farmington Township Zoning Resolution to regulate wireless telecommunications towers, antennas, dishes, and facilities. The regulations and conditions set forth herein are warranted and necessary to:

1. Protect residential and adjacent districts from the potential adverse impacts of wireless telecommunication towers, antennas dishes and facilities.
2. Accommodate the wireless telecommunication towers, antennas, dishes, and facilities.
3. Promote collocation as an alternative to building new wireless telecommunication towers and facilities.

### **B. PERMITTED USES**

A wireless telecommunications tower and facilities may be located, erected, constructed, reconstructed, altered, removed, or enlarged in residential districts as a permitted use subject to the requirements of this section and upon issuance of a zoning permit by the zoning inspector. In commercial and industrial districts, these regulations shall provide guidance when dealing with companies seeking to locate telecommunication towners in

the Township.

### **C. CONDITIONAL USES**

A wireless telecommunications tower, antenna, dish, and facilities must meet the following requirements in addition to the ones in Section B.

1. A security fence not less than eight (8) feet in height shall fully enclose the base of the tower and facilities. The gate shall be locked at all times.
2. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.
3. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as per this policy.
4. Where feasible, all towers shall be painted a neutral color to minimize their visibility unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.
5. No advertising signs shall be permitted anywhere on a tower, equipment shelter or anywhere on the site.
6. One warning sign the maximum size of six (6) square feet shall be posted on the site as well as an emergency phone number. The applicant shall also provide the fire department, county sheriff's department and the county emergency management department agency with information on who to contact, their address, and their telephone number in the event of an emergency.
7. A tower site shall not be lighted except to assure safety as required by the Federal Aviation Administration.
8. The collocation of antennas and dishes on lawfully existing towers shall be preferred over the construction of new tower sites. If there is no technically suitable space for the applicant's antenna, dish, and related facilities reasonably available on an existing tower the applicant must demonstrate that a technically suitable location is not reasonably available on another existing tower. The applicant must also show that they have requested to collocate on an existing tower and that collocation was rejected by the owner of the tower. In all circumstances owners of existing towers shall respond to requests for collocation within thirty (30) days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If collocation is rejected

the owner must state in detail the technical reasons for rejection.

9. The owner/operator of a free-standing monopole tower shall be required to provide for and collocation for a minimum of two (2) additional antenna/dish platforms of equal loading capacity for two (2) additional unrelated owner/operators during the original construction of the tower. The owner/operator of free-standing lattice tower shall be required to provide for and allow collocation of five (5) additional antenna/dish platforms of equal loading capacity for five (5) additional owner/operators during the original construction of the tower. Agreement to this provision must be included in the applicant's lease with the landowner, if different for the owner/operator of the tower.
10. There shall be no storage outside of the security fence of equipment of other items on the site except during the construction period, ordinary maintenance and except in times of power outage.
11. If at any time the use of a tower and its facilities are discontinued for sixty (60) consecutive days said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the discontinuance of said tower and facility, the owner/operator shall be responsible for exterior maintenance of all equipment and landscaping. A cash or surety bond of not less than one hundred (\$100) dollars per vertical foot from the natural grade as part of the conditional zoning certificate, to cover the cost of, including, but not limited to, the removal of the tower and facilities shall be required. This bond must be filed with the township clerk and proof of the current bond must be supplied on renewal due date basis.
12. The minimum distance between any two towers and their facilities shall be one thousand two hundred fifty (1250) feet.
13. Freestanding wireless communications towers, antennas, dishes, and facilities.
  - a. The maximum height of freestanding monopole tower, including antennas and dishes, shall not exceed one hundred (100) feet.
  - b. The maximum height of a freestanding lattice tower, including antennas and dishes, shall not exceed two hundred twenty (220) feet.
  - c. The minimum setback for the nearest lot line to the base of the tower and facilities shall be 150% of the height to a district zoned residential.
  - d. A tower, dish, facilities, and appurtenances shall comply with all zoning regulations of the district of its location.
14. In addition to a fee for a zoning certificate, the applicant shall provide proof of one million dollars of liability insurance for claims that may arise against

them in respect to the tower one million dollars of liability insurance for claims that may arise against them in respect to the tower or facilities. Proof of insurance coverage is to be provided to the township clerk on an annual basis. The applicant shall also be responsible for all expenses incurred by the township for any technical or engineering services deemed necessary by the Zoning Inspector, Board of Appeals, or Township Trustees.

15. Immediate notification of transfer of title and cancellation of insurance. Penalty for lack of such notification will be twice the cost of removal of structure.

#### **D. PROHIBITED USES**

1. The mounting of tower, antennas, and dishes to a building for commercial use is prohibited.
2. Although some wireless service companies are regulated by the PUCO, Public Utilities Commission of Ohio, if they are not considered to be actual public utility by the PUCO they will not be considered so in this regulation and will be subject to all the regulations within it.

#### **E. SITE PLAN**

In addition to the information required by this resolution for an application for a zoning certificate, a site for a tower, antenna(s), dish(es), and facilities shall also require the following items:

1. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer. The plan shall also include all of the following:
  - a. A plan based on survey, drawn to scale, north arrow, location and dimensions of the tower, appurtenant facilities from all lot lines, buildings, structures, and public rights-of-way.
  - b. The height of the tower above grade
  - c. All required mounting positions for three (3) antenna/dish platforms of equal loading capacity for a monopole tower and all required mounting positions for six (6) antenna/dish platforms of equal loading capacity for a lattice tower.
  - d. Existing easements and proposed easements, with dimensions shall be shown.
  - e. A copy of a title examination for the subject premises shall be submitted.
  - f. The shipping weight of the tower, antenna(s), dish(es) and all appurtenant facilities shall be provided. The delivery route shall be given and is subject to review.



- g. Proof of compliance with Trumbull County Soil and Water Conservation regulations with respect to erosion and storm water runoff shall be submitted.

#### **SECTION 504 FRONTAGE ON STREET**

1. Every dwelling must be constructed along an existing road and frontage upon that existing street or road or be constructed on a Rear or Flag lot in compliance with the requirements of this Zoning Resolution.
2. Every single dwelling unit upon a separate parcel shall have an access, for motor vehicles to the dedicated street.
3. Two (2) or Three (3) residential dwelling, each located on a separate parcel, may utilize one (1) access driveway, provided that a legal recorded easement is created and that the easement specifies the driveway maintenance responsibilities.
4. Access upon a dedicated street, for four (4) or more structures containing multiple residential units shall have two access points to a dedicated street to allow emergency vehicles to have access in case an entrance is blocked.
5. Where three (3) or more commercial and/or industrial parcels located abutting SR 88 and SR 534 are encouraged to limit access points by providing a marginal driveway/alley parallel to the dedicated highway. There shall be at least two (2) access points to the dedicated highway.

#### **SECTION 505 FIRE ESCAPES AND OPEN STAIRWAYS**

Nothing in this in this resolution shall prevent the projection of an open fire escape or stairway into a rear, side or front yard for a distance not to exceed eight (8) feet.

#### **SECTION 506 HEIGHT EXCEPTIONS**

Nothing in this resolution shall be interpreted to limit or restrict the height of a church spire, belfry, clock tower, scenery lift or similar structure.

#### **SECTION 507 PARKING AND STORAGE OR CERTAIN VEHICLES AND MISCELLANEOUS ITEMS**

No non-current licensed motor vehicles, abandoned, wrecked, unusable, or dismantled automobiles, trucks, trailers, farm equipment, aircraft, furniture, or other miscellaneous materials shall be permitted to remain exposed on the premises of any residential, commercial, or industrial district. Such items are considered to be exposed unless they are completely enclosed within a building.

## **SECTION 508     CONVERSION OF DWELLINGS: TWO OR MORE UNITS**

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

1. The yard dimensions meet the yard requirements as required by the Zoning Regulation for new structures in the district.
2. The lot area per family equals that lot area requirement for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in the district.

## **SECTION 509     TEMPORARY BUILDINGS**

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

## **SECTION 510     TRAILERS AND HOUSE TRAILERS**

No individual trailers, mobile home, manufactured homes or vehicles designed for mobile living shall be occupied for dwelling purposes, except in a Mobile Home Park District. One currently licensed and operable recreational vehicle, and one (1) trailer of any other type, shall be permitted to be parked or stored outside in any residential district provided it is parked in the driveway or on a paved or gravel parking pad in the rear or side yard, and the parking pad meets with all setback and side yard requirements

Temporary permits for dwelling purposes may be granted during home construction or to allow occupancy of a mobile home or property where the dwelling has been damaged by fire or similar disaster and is being repaired for occupancy. Terms and conditions for such temporary occupancy of a mobile home as indicated in other provisions of this Resolution.

## **SECTION 511     COMMERCIAL VEHICLES/HEAVY EQUIPMENT WITHIN RESIDENTIAL DISTRICTS**

Commercial vehicles, heavy equipment and trailers, which are operable and currently licensed may be parked at a residential district or on property in another district used for residential purposes if the owner or operator of the vehicle or trailer lives on the property

and the vehicle, equipment or trailer is parked in the driveway or on a paved or gravel parking pad in the rear or side yard and the parking pad meets with all setback and side yard requirements. This does not permit a commercial business to be operated in a residential district.

Any vehicle, including a commercial vehicle, must be stored in a building if it is not operable or currently licensed, if it is a vehicle that state law requires to be licensed.

## **SECTION 512 SWIMMING POOLS**

### **A. PRIVATE/PUBLIC SWIMMING POOLS**

All indoor and outdoor public and private swimming. pools, spas, and hot tubs must conform to all state and county regulations, the Trumbull, County Health Department is responsible for testing swimming pool water. Private swimming pools, including portable above ground pools shall be subject to the following requirements:

1. No portion of such pool shall be placed closer than ten (10) feet to any side or rear property line; or closer to a side street that the side yard requirement of the dwelling;
2. All pools shall be entirely enclosed with a safety fence not less than four (4) feet nor more than six (6) feet in height. Such fence may enclose only the pool area or the entire yard area, so long as it serves adequately to protect children from entry to into the pool.
3. Above ground pools that come with a manufactured fence shall not be required to install additional fencing, but it is the responsibility of the property owner to take all safety precautions.
4. Water Supply and Discharge: Water supply may be secured from private well or other means of supply provided the water is tested and approved by the health authorities. Pools shall be equipped with facilities for complete emptying of the pool, and the discharge of pool water to sewer or open ditches shall be at a rate not to exceed 250 gallons per minute. Water drained from the pool shall not be discharged directly into sewers or open ditches without health department approval. Water drained from the pool shall not be discharged to any sewer or open ditches during periods or rain or storm. All make-up lines for water must have siphon breaker (valve) on them and shall not be less than three-quarters inch in size.
5. Above ground pools and in ground pools shall be placed neither closer to the front property line that the front setback requirements or the dwelling, nor in front of any dwelling.

## **B. COMMUNITY OR CLUB SWIMMING POOLS**

Community or club swimming pools shall comply with the following regulations:

1. The pool and the area used by bathers shall be no closer than fifty (50) feet to any property line.
2. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children. Said fence or wall shall be no less than five (5) feet in height and maintained in good condition.

## **SECTION 513 TRASH CONTAINERS AND INCINERATORS**

In all Business and Industrial Districts and for all multiple dwelling units, trash containers, dumpsters, and trash burners, whether permanent or portable shall be placed a minimum of ten (10) feet from the property lines.

## **SECTION 514 GARAGE SALES/YARD SALES**

Private individuals and non-profit organizations may conduct garage sales and yard sales within any residential district or on property in another district used for residential purposes a cumulative total of no more than thirty (30) days per calendar year. All signs must be removed within 24 hours (upon conclusion of last sale date).

## **SECTION 515 ACCESSORY USES**

Storage buildings or structure, other than a garage, including antennas-free standing, dish or other, but not including Agricultural Buildings, provided;

1. One (1) such freestanding or dish antenna per residential parcel;
2. Located in rear or side yard only; ten (10) ft. from side and rear yard property lines;
3. Maximum height shall not exceed twelve (12) ft. measured from existing grade to peak of roof, except that for freestanding antennas. No antennas shall exceed 25 feet in height, except where regulated by the Federal Communications Commission or other State/Federal regulations.

## **SECTION 516   TRANSIENT VENDORS:**

Transient vendor retail sales and services, such as the sale of plant, flowers, arts and crafts, toys, farm produce, or similar items shall be permitted in any Business or Industrial District, subject to following regulations. There will be no fee to sell produce on the same particular lot or property that it is grown.

1. A Zoning Permit valid for a period not to exceed three (3) consecutive days shall be issued prior to the use of a lot by a transient vender. Only three (3) permits shall be issued per calendar year for a particular property. The application for zoning permit shall include a plot plan designating the exact placement of the proposed commercial use on the property in question written permission to use such property by the owner thereof, a current Trumbull County Vendor's License, and Tax Identification Number.
2. One sign shall be permitted per Transient Vendor. No sign advertising such transient vendor commercial use shall be place within a street right-of-way or within thirty (30) feet of a side property line. No such sign shall exceed 4'x8'.
3. A transient vendor shall not place goods for sale, tables, stands, chairs, etc., within ten (10) feet of a street or within ten (10) feet of any side or rear property line. Tents, temporary buildings or temporary shelters used by transient vendors shall be considered "Structures" as defined by these zoning resolutions and shall conform to all relevant set-back regulations for the zoning district in which such structure is located.
4. A transient vendor must provide space for at least three (3) off street parking spaces, outside of the public right-of-way. A transient vendor may sell from any lot including those currently used by an existing commercial building but may not be located within a required parking area for a particular business.
5. Hours of Operation for any Transient Vendor shall be from 8 AM until 6 PM.
6. The fee for a Zoning Permit for any Transient Vendor Business Use is as per Appendix A.

## **SECTION 517   YARD AREA MAINTENANCE**

1. No furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles, or vehicle parts shall be stored in any yard area contiguous to any structure within the Township over a period in excess of twenty-four hours provided however, that such of the items are set forth herein which are usually and ordinarily placed for Township refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled material refuse hauling date.
2. Exterior property areas of al premises shall be kept free of debris, objects, materials, or conditions that, in the opinion of the Zoning Inspector create a health,

accident, or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps/deteriorated wood piles, filth, garbage, trash, and debris shall not be permitted on any property.

3. Tree and shrubs that the owner shall cause to be trimmed shall be removed or otherwise disposed of in compliance with these and all other laws, regulations, and requirements, as well as any dead, decayed, or broken tree, plant or shrubbery or part thereof.

## **SECTION 518 GROUND SURFACE HAZARDS**

Holes, cracks, excavations, breaks, projections, and obstructions of any place on the premises which, in the opinion of the Zoning Inspector, are hazard to persons using the premises shall not be permitted.

## **SECTION 519 FENCES OR WALLS**

A fence or wall shall be considered a structure for the purposes of this Resolution and may be located no closer than three (3) feet from a side or rear property line. Fences or walls that extend into the front yard shall be no higher than four (4) feet in height from grade, and no higher than six (6) feet from grade to the rear of the setback building line. In the case of a corner lot, the four (4) feet provision also applies to the line for a road or street. No fence, wall, or shrubbery shall be maintained near a street or intersection so as to interfere with traffic visibility around the corner. Property line fences on property may be constructed as detailed in the ORC Section 971.01(F). Property owners constructing such a fence should enter a written agreement with provisions governing the future maintenance and repair of their property line fence.

## **SECTION 520 DANGEROUS PETS**

Dangerous pets are prohibited in any Residential District, Mobile Home District, or other district on land used for residential purposes as per ORC 935.01.

1. Predatory Pets Prohibited:
  - a. Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, or constricts prey in manners which could cause injury or death to humans.
2. Nuisance Pets Prohibited:
  - a. Animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the residential property of the owner.
3. Non-native Pets Prohibited:
  - a. Any non-native animal, bird, reptile, fish, or insect, which if released or

escaped, could create a threat to local ecology or proliferate to nuisance proportions.

4. Dangerous Pets Permitted:

- a. Only as a commercial activity, such as a zoo, breeding, veterinary, or for training purposes as permitted in these Regulations.

## **CHAPTER 6 – PLANNED UNIT DEVELOPMENTS (PUD) & CLUSTER HOME DEVELOPMENT**

### **SECTION 600 PLANNED UNIT DEVELOPMENTS (PUD)**

#### **A. OBJECTIVES FOR PLANNED UNIT DEVELOPMENT DISTRICTS**

It shall be the policy of Farmington Township to promote progressive development of the land and construction thereon by encouraging Planned Unit Development(s) (PUD) to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre of lots that are to be developed, while maintaining the overall density per acre for the entire Planned Unit Development and a reduction in lot dimensions, yards, building setbacks, and area requirements as set forth elsewhere in these Resolutions.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topographical and geological features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through less requirements for utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, community facilities and the objectives of the currently adopted Farmington Township Comprehensive Plan.

#### **B. PROCEDURES AND REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT(S)**

Farmington Township is also prepared to accept a greater population density in undeveloped areas of the total project, provided the population density does not exceed that provided and regulated in other sections of these Resolutions for the total project, and provided the developer can demonstrate that any increment of public cost, clearly attributable to increased densities, will be compensated for by the private amenities and public benefits to be achieved by the plan for development.

##### **1. PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT(S)**



Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of these Resolutions, the provisions of this Chapter shall prevail. Subjects not covered by this Chapter shall be governed by the respective provisions found elsewhere in these Resolutions.

2. APPLICATION AND PROCEDURES FOR PLANNED UNIT DEVELOPMENT(S)

Upon approval by the Farmington Township Zoning Commission and the Farmington Township Board of Trustees, a Planned Unit Development District may be applied to any existing agricultural or residential district. Upon approval of a final development plan, the Official Farmington Township Zoning Map shall be annotated for the land use involved, so that the district name includes the notation "PUD." Planned Unit Development Districts shall be approved by the Farmington Township Zoning Commission and the Farmington Township Board of Trustees in the manner provided in this Chapter and Ohio Revised Code 519.12.

3. USES PERMITTED IN PLANNED UNIT DEVELOPMENT(S)

Compatible Residential District, Business District, public and quasi-public uses may be combined in "PUD" Districts, provided that the proposed location of Commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare of Farmington Township residents. Lot area and other requirements of the Residential Districts shall apply except as modified in this Section. The amount of land and type of commercial activities devoted to Business District uses in a Residential-Commercial development shall be determined by the Farmington Township Zoning Commission and approved by the Farmington Township Board of Trustees.

4. MINIMUM PROJECT AREA FOR PLANNED UNIT DEVELOPMENT(S)

The gross area of a tract of land to be developed in a Planned Unit Development District shall be a minimum of fifty (50) acres. When the Planned Unit Development proposes a mixture of residential uses with commercial uses the Farmington Township Zoning Commission may limit the development of not more than eight percent (8%) of the tract to non-recreational commercial uses.

5. PROJECT OWNERSHIP FOR PLANNED UNIT DEVELOPMENT(S)

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

6. COMMON OPEN SPACE FOR PLANNED UNIT DEVELOPMENT(S)

A minimum of twenty percent (20%) of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The commercial recreational

activities may not be included in the common open space area. The open space area shall be disposed of as required in this Section.

**7. DISPOSITION OF OPEN SPACE IN PLANNED UNIT DEVELOPMENT(S)**

The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of their project area for the use of each owner who buys property within the development or be dedicated to Farmington Township Park District and retained as common open space for parks, recreation, and other related uses. All land dedicated to Farmington Township must meet the Farmington Township Zoning Board's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to Farmington Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Farmington Township Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

**8. UTILITY REQUIREMENTS IN PLANNED UNIT DEVELOPMENT(S)**

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Farmington Township Zoning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.

**9. MINIMUM LOT SIZES IN PLANNED UNIT DEVELOPMENT(S)**

Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in this Resolution. A Planned Unit Development need not conform to the density requirements for residential areas that can be developed of the total project, provided the overall project density is not exceeded as provided elsewhere in this Resolution. A diversification of lot sizes is encouraged, widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

**10. LOTS TO ABUT UPON COMMON OPEN SPACE IN PLANNED UNIT DEVELOPMENT(S)**

Every property developed under the Planned Unit Development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be not more than eight (8) townhouse units in any contiguous group or structure.

**11. HEIGHT REQUIREMENTS IN PLANNED UNIT DEVELOPMENT(S)**

For each foot of building height over the maximum height regulations

specified, the distance between such buildings and the side and rear property lines of the Planned Unit Development project area shall be increased by one (1) foot addition to the side and rear yard as required in that district or districts.

**12. PARKING IN PLANNED UNIT DEVELOPMENT(S)**

Off-street parking, loading, and service areas shall be provided in accordance with, Parking and Loading/Unloading Spaces of these Resolutions. However off-street parking and loading areas shall not be permitted withintwenty (20) feet of any residential use.

**13. PERIMETER YARDS IN PLANNED UNIT DEVELOPMENT(S)**

Notwithstanding the provisions of this Chapter, every lot abutting the perimeter of the Planned Unit Development District shall maintain all yard requirements specified in this Resolution for the applicable conventional zoning district.

**14. ARRANGEMENT OF COMMERCIAL USES IN PLANNED UNIT DEVELOPMENT(S)**

When Planned Unit Development Districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas. All areas designed for future expansion, or are not intended for immediate improvement or development, shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Farmington Township Zoning Commission.

**15. PRE-APPLICATION MEETING FOR PLANNED UNIT DEVELOPMENT(S)**

The developer shall meet with the Farmington Township Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these Resolutions, and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan and the parks and public open space plan as maybe developed and adopted, the Trumbull County Subdivision Regulations, and the drainage, sewer, and water systems that exist within Farmington Township.

16. APPLICATION FOR APPROVAL OF PLANNED UNIT DEVELOPMENT(S)

An application for approval of PUD District shall be filed with the Farmington Township Zoning Inspector pursuant to provisions of the Ohio Revised Code 519.12. At the time of such filing, such developer shall provide ten (10) copies of the development plan for the PUD which shall contain the following information:

- a. Name, Address, and phone number of applicant
- b. Name, Address and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- c. Description of existing use.
- d. Zoning districts.
- e. A vicinity map at a scale approved by the Farmington Township Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Board may require showing the relationship of the Planned Unit Development to the Comprehensive Plan and to existing schools and other community facilities and services.
- f. A preliminary development plan at a scale approved by the Farmington Township Zoning Commission showing topography at two (2) foot intervals; location and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets, right of way, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Farmington Township Zoning Commission deems necessary.
- g. Proposed schedule for the development of the site.
- h. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years and development plan is consistent with Farmington Township's statement for PUDs. The application for preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the Planned Unit Development would be in the public interest and would be consistent with Farmington Township's statement of objectives for Planned Unit Developments.

17. EXPIRATION AND EXTENSION OF APPROVAL PERIOD IN PLANNED UNIT DEVELOPMENT(S)

The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed five (5) years to allow for

preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Farmington Township Zoning Commission finds that such extension or modification is not in conflict with the public interest. No zoning amendment passed during the time period granted or the approved final development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

## **SECTION 601 RESIDENTIAL-CLUSTER HOME DEVELOPMENT**

### **A. PURPOSE OF RESIDENTIAL-CLUSTER HOME REGULATIONS**

In order to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services, and support the residential development of properties adjacent to commercial areas and/or other high intensity land uses, Farmington Township has established Residential - Cluster Home regulations as specified herein.

To permit the clustering of residential development, Residential - Cluster Home setback and density requirements are not as strict as for other Farmington Township residential zoning classifications. This classification requires that a detailed site plan of the proposed cluster home project, as specified herein, be submitted to the Township Zoning Commission and Township Trustees for consideration at public hearings.

As Residential-Cluster Home zoning may only be implemented at the request of the property owner, the Township Zoning Board and Trustees shall have greater discretion in requiring aesthetic qualities, amenities, and plan features than would normally be provided under other zoning classifications.

***If for any reason the Township Trustees determine that development under the existing zoning classification is more beneficial to the community than the proposed cluster home project, the application will be denied.***

***As approval of a Residential-Cluster Home project plan will constitute a zone change, the provisions of ORC 519.12 shall apply.***

## B. REQUIREMENTS FOR CLUSTER HOME DEVELOPMENTS

### 1. PERMITTED USES FOR RESIDENTIAL CLUSTER HOME DEVELOPMENT(S)

Single family, two-family, or low-density multi-family (3-6 family units) residential uses as specified within the existing zoning classification on subject property.

### 2. SETBACK, HEIGHT, AND DENSITY REQUIREMENTS FOR RESIDENTIAL CLUSTER HOME DEVELOPMENT(S) See Table 1 below:

<b>Table 1</b>			
<b>REQUIREMENTS</b>	<b>SINGLE FAMILY</b>	<b>TWO FAMILY</b>	<b>MULTI FAMILY</b>
Minimum Project area	5 acres	5 acres	5 acres
Minimum Common Open Space	25%	25%	25%
Minimum Perimeter Buffer	50 feet	50 feet	50 feet
Maximum Project Density	4.54 units per acre	6.81 units per acre	7.26 units per acre
Minimum Setback: Private Road	35 feet*	35 feet*	35 feet*
Minimum Setback: Public Road	50 feet	50 feet	50 feet
Minimum Distance between Sides of Structures	16 feet	25 feet	25 feet
Minimum Distance from Rear of Structures	30 feet	30 feet	30 feet
Living Area Per Dwelling Unit	1200 sq. ft.	1200 sq. ft.	1200 sq. ft.
Maximum Structure Height	35 feet	35 feet	35 feet
*Setback approval will be subject to Zoning Board of Appeals Review			

### 3. ARRANGEMENT OF USES

Residential clusters should be centered on the property and surrounded by common open space. However, the zoning board or trustees may authorize the provision of common open areas other than perimeter yards, where warranted by circumstances. Plans submitted to the Farmington Township Zoning Commission for review shall clearly indicate the arrangement of dwelling units, support buildings, Common Open Spaces, parking, ingress and egress points, landscaping, drainage provisions, streams, lakes, utilities, and any features intended to endure that the development will be aesthetically appealing and blend with the surrounding community.

#### 4. COMMON OPEN SPACE

- a. At least 25% of any cluster home project shall be devoted to Common Open Space designed to provide natural site amenities, attractive landscaping, and passive recreation opportunities. Common open space should primarily be arranged so as to surround residential clusters. Areas unsuited for passive recreation, such as areas within front setbacks or between structures, shall not be considered to be part of the Common Open Space for the development. No individual, non-contiguous segment of the Common Open Space shall be less than one (1) acre in area.
- b. Public utility and similar easements are not acceptable for Common Open Space dedication unless such land or right of way is usable as a trail or similar purpose and has been approved by the Farmington Township Zoning Commission. Streets, driveways, and/or parking areas shall not constitute any part of the required Common Open Space.
- c. The responsibility for the maintenance of all Common Open Spaces shall be specified by the developer in writing before approval of the final development plan by the Farmington Township Zoning Commission and Farmington Township Trustees. The required Common Open Space shall be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development or shall be dedicated to a homeowner's association that shall have title to the land which shall be retained as Common Open Space for passive recreation uses.
- d. The legal articles relating to the organization of the homeowner's association are subject to review and approval by the Farmington Township Zoning Commission and Farmington Township Trustees and shall provide adequate provisions for the perpetual care and maintenance of all Common Open Space.

#### 5. PERIMETER BUFFER

There shall be a fifty (50) feet minimum buffer zone between any structure in a Cluster Home project and the project boundary line; however, the Farmington Township Zoning Commission or the Farmington Township Trustees may relax the perimeter requirements for any portion of a cluster home project that directly abuts non-residential land. The side and rear boundary lines of the project shall have sight screening to a height of at least six (6) feet. Possible site screening materials include landscape mounds, walls, fences, or evergreen trees, as approved by the Zoning Commission and Trustees. The perimeter buffer area may be included as part of the open space provisions for the project. No roads or structures may be located within this area.

#### 6. LANDSCAPE REQUIREMENTS

In addition to the required perimeter site buffer (above), common areas should

be attractively landscaped. Also, a minimum of two trees shall be provided in association with each structure. These trees will be located within the setback areas for the structure as designated in Table #1.

**7. BUILDING DESIGN REVIEW**

Structures shall be designed in such a manner as to harmonize with surrounding residential areas. Building elevations and samples of materials and colors shall be submitted as part of the review process.

**8. PARKING REQUIREMENTS**

As specified in Chapter 7 of this Resolution.

**9. PRIVATE ROADS**

Private roads shall be at least twenty- four (24) feet in width and shall comply with the Trumbull County Subdivision Regulations. An agreement shall be submitted indicating responsibilities and provisions for road maintenance.

**10. ACCESS MANAGEMENT**

A distance of two hundred (200) feet should be maintained between the centerline of any access to the Cluster Home project and the centerline of any adjacent public or private road.

**11. UTILITIES**

Utilities, including telephone, cable television, and electrical systems shall be located underground. Appurtenances to these systems which can be effectively screened may be exempted from the requirement if the Farmington Township Zoning Commission and Trustees find that such exemption will not violate the character of the proposed cluster home project.

**12. STORM WATER DRAINAGE**

Storm water retention provisions for the project shall be submitted to the Trumbull County Engineer's Office (or other civil engineer under contract with the township) for review and approval, prior to the issuance of zoning permits for the project.

**13. GARAGE FACILITIES**

Each unit in a Cluster Home Development shall be provided at least two parking spaces within an enclosed garage facility. Carports are not permitted.

**C. SPECIAL PROVISIONS**

**1. PRECEDENCE OF RESIDENTIAL – CLUSTER HOME REQUIREMENTS**

Whenever there is a conflict or difference between the resolutions governing Residential- Cluster Home projects and other requirements of these Farmington Township Zoning Resolutions, the Residential - Cluster Home District regulations shall prevail as they pertain to this section.



## 2. CHANGES TO AN APPROVED SITE PLAN

A Cluster Home project shall not deviate from the official site plan. Any proposed modification of the plan shall be made through the Residential - Cluster Home review process.

## 3. PROJECT TIME FRAME

A cluster home project shall be started within one year of the date of approval and shall not take more than five years from the date of approval to complete. Failure to begin construction within one year will result in the voiding of the project.

## 4. UNDEVELOPED AREAS

All areas designed for future expansion or that are not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and attractive manner.

## 5. ZONING PERMIT ISSUANCE

Zoning permits for construction shall not be issued until the final Residential Cluster Home development plan is approved. Each structure within the project will require an individual zoning permit.

# **D. RESIDENTIAL-CLUSTER HOME APPLICATION PROCEDURE.**

## 1. PRE-APPLICATION MEETING

The Developer is encouraged to meet with the Farmington Township Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to informally discuss the purpose and effect of these Resolutions, and the criteria and standards contained herein and to familiarize the developer with zoning and other applicable regulations.

## 2. PRELIMINARY DEVELOPMENT PLAN REVIEW

Ten (10) copies of the Residential- Cluster Home Preliminary Development Plan shall be submitted to the Farmington Township Zoning Office and shall include the following information:

### a. COVER LETTER

The following information shall be included on a cover letter submitted with the application materials.

- i. Name, address, and phone number of the applicant;
- ii. Name, address and phone number of the registered surveyor and/or registered engineer assisting in the development of the plan.
- iii. Legal description of the property;
- iv. Evidence that the applicant has sufficient control over the property in question to initiate the proposed development; Summary of proposed use(s), and a statement by the developer setting forth the reasons why,

in his or her opinion, the cluster home project would be in the public interest and would be consistent with the stated PURPOSE of these requirements; Proposed schedule for the development of the site.

**b. EXISTING SITE MAP**

A map, drawn to a scale acceptable to the Township clearly showing the location of existing structures directly adjacent to the site, existing major vegetation, general topography, access points, the location of any building or private pedestrian routes, and any other notable natural or manmade features, including major overhead and underground utilities.

**c. PRELIMINARY SITE PLAN**

A preliminary site plan showing the approximate areas and arrangement of the proposed uses, open spaces, street accesses, landscaped areas, buffers, etc., and the relationship of the cluster home project to abutting land uses and zoning districts.

**d. PRELIMINARY BUILDING ELEVATIONS**

Preliminary building elevations showing general building design concepts including proposed materials and colors.

**e. ACTION BY THE ZONING COMMISSION**

The Farmington Township Zoning Commission shall hold a public hearing on the Preliminary Development Plan. Such public hearing shall all aspects of the Preliminary Development Plan. Within sixty (60) days after the last public hearing on such plan the Board shall prepare and transmit Farmington Township Trustees recommendations with respect to the action to be taken on the Preliminary Development Plan. The Board may recommend approval, denial, or approval with specific modifications.

**f. ACTION BY THE BOARD OF TRUSTEES**

The Farmington Township Trustees shall hold a public hearing on the Preliminary Development Plan upon receipt of the recommendations of the Zoning Commission. The Trustees may approve, approve with modifications, or deny the Preliminary Development Plan. Approval of the plan will authorize the submittal of a final development plan to the Zoning Board of Appeals. Denial of the plan will terminate the application process.

**3. FINAL DEVELOPMENT PLAN**

Ten (10) copies of the Residential- Cluster Home Final Development Plan\ shall be submitted to the Farming Township Zoning Office and shall include the following information:

**a. COVER LETTER**

The following information shall be included on a cover letter submitted with the application materials.

- i. Name, address, and phone number of the applicant;

- ii. Name, address and phone number of the registered surveyor and/or registered engineer assisting in the development of the plan;
  - iii. Legal description of the property;
  - iv. Evidence that the applicant has sufficient control over the property in question to initiate the proposed development;
  - v. Summary of proposed use(s), and a statement by the developer setting forth the reasons why, in his or her opinion, the cluster home project would be in the public interest and would be consistent with the stated PURPOSE of these requirements;
  - vi. Proposed schedule for the development of the site.
- b. **EXISTING SITE MAP**  
 A map, drawn to a scale acceptable to the Township clearly showing the location of existing structures directly adjacent to the site, existing major vegetation, access points, the location of any building or private pedestrian routes, and any other notable natural or manmade features, including major overhead and underground utilities.
- c. **PROPOSED SITE MAP**  
 A plan of the site, drawn to a scale acceptable to the Township indicating the location of proposed (and existing) structures, topography, parking areas (including spaces and drive aisles), streets, points of ingress and egress, setbacks, lot and building dimensions, landscape provisions, buffers, and open space provisions. In addition, the plan shall designate the location of any wall or ground mounted signs, dumpster locations, service areas, utility service lines, pedestrian circulation provisions, lighting plan including photometric and fixture detail. A summary table indicating project acreage, total number of dwelling units, dwelling units per acre, and common open space by total area and percentage of project, shall be included on the site plan.
- d. **ELEVATION DRAWINGS**  
 Elevations drawn to a scale acceptable to the Township illustrating the front, rear, and side view of each proposed structure. Samples of building materials and colors (roof, facade, trim, etc.) shall be provided.
- e. **TRAFFIC IMPACT ANALYSIS**  
 Should the proposed development generate more than 100 trips (in and out in the peak hour, an analysis shall be completed determining the impact, if any, the project will have on the existing roadway system. The analysis will identify how any effect can be mitigated. Trip Generations analysis shall be made using the most current edition of the Institute of Traffic Engineers Trip Generation Manual.
- f. **OTHER**

The Zoning Board of Appeals or Trustees may require other maps to clarify the above requirements. The applicant shall be responsible for the expenses incurred by the Township in reviewing and in preparing any modifications to the plan.

g. **ACTION BY THE ZONING COMMISSION**

The Township Zoning Commission shall evaluate the Final Development Plan at a regular public hearing. At such public hearing the Commission shall consider all aspects of the plan. Following public hearings, the Board shall prepare and transmit to the Township Trustees recommendations with respect to the action to be taken on the Final Development Plan. The Board may recommend approval, denial, or approval with specific modifications.

h. **ACTION BY THE BOARD OF TRUSTEES**

The Board of Township Trustees shall hold a public hearing on the Final Development Plan within thirty (30) days of the receipt of the recommendations of the Zoning Commission. The Trustees may approve, approve with modifications, or deny the Final Development Plan. Approval of the plan will amend the zoning map to Residential-Cluster Home for the property in question and will authorize the issuance of zoning permits for construction (subject to final drainage plan approval). Denial of the plan will terminate the application process.

## **TABLE 2**

### **SUMMARY OF RESIDENTIAL-CLUSTER HOME**

#### **REVIEW PROCEDURE**

**1. PREAPPLICATION MEETING**

(Meet with the zoning inspector to informally discuss regulations and process.)

**2. PRELIMINARY DEVELOPMENT PLAN**

a. COUNTY PLANNING COMMISSION RE COMMENDATION

b. ZONING BOARD OF APPEALS PUBLIC HEARING

(Recommend approval, denial, or modification of the plan to the Trustees.)

c. TRUSTEES PUBLIC HEARING

(Vote to deny the preliminary plan ends process; vote to approve the site plan, authorizes the submittal of final development plan.)

**3. FINAL DEVELOPMENT PLAN**

a. ZONING COMMISSION PUBLIC HEARING

(Recommend approval, denial, or modification of the plan to the Trustees.)

## **E. CRITERIA FOR PROJECT APPROVAL BY THE ZONING COMMISSION**

Before making its recommendation to the Township Trustees, the Zoning Commission shall find that the facts submitted with the cluster home application and presented at the public hearing establish that:

1. Any relaxation of standard district requirements for the proposed use as specified in this resolution, is compensated for by the design features and other amenities incorporated in the final development plan, and will not be detrimental to the health, safety, and welfare of the general public, as expressed in the section at the beginning of this resolution.
2. The proposed cluster home project takes advantage of landscape features, buffers, land use layout, and building design features to ensure that the project blends in with the surrounding community.
3. The proposed streets within the cluster home project are suitable and adequate to carry anticipated traffic, and to accommodate safety service vehicles. In addition, any relaxation of density requirements of the development will not generate traffic in such amounts so as to adversely impact the street network outside of the cluster home project.
4. The existing and proposed utility services are adequate for the population densities proposed.
5. The Fire Department, Police Department, Public Works Department, County Engineer, County Sanitary Engineer, and County Planning Commission have reviewed the site plan and have had opportunity to present comments relative to their spheres of authority.
6. The proposed development will be initiated within one (1) year and completion of the development will occur within five (5) years of the date of approval.
7. The proposed cluster home project meets the spirit and intent of the land use plan recommendations for the area.

## **F. SUBDIVISIONS**

The Farmington Township Trustees and the Zoning Commission must approve any development of a new subdivision.

## **CHAPTER 7 – PARKING AND LOADING/UNLOADING SPACES**

### **SECTION 700     GENERAL REQUIREMENTS FOR PARKING AND LOADING/UNLOADING SPACES IN ALL ZONES**

1. Adequate parking and loading/ unloading spaces in accordance with this resolution shall be provided at this time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
2. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road.
3. All parking and loading/unloading spaces shall be located on the same lot as the use to be served.
4. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
5. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all weather and dust-free surface.
6. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
7. All parking and loading/unloading spaces intended to be used during non-daylight hours shall properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads.
8. All paved parking lots with a capacity over 25 vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.
9. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
10. All entrances and exits to a parking lot shall be clearly marked. Interior vehicular circulation by way of access driveways and aisles shall maintain the following minimum standards:
  - a. For one-way traffic the minimum width of the access driveways and

- aisles shall be fourteen (14) feet.
- b. Access driveways and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet.
  - c. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
11. Parking and loading/unloading spaces may be located in the front, side, or rear yard of any lot except for industrial which will not allow parking and loading/unloading in front yard.
  12. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall, fence, or planting screen shall be not less than (4) four feet nor more than (6) six feet in height and shall be maintained in good condition. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such wall, fence or planting screen will not serve the intended purpose, then no such wall, fence, or planting screen and landscaping shall be required.
  13. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district the noise generated by the activity shall not exceed 80 Db continuous or 100 Db impact noise measured at the perimeter of the area. Also, all loading/unloading shall be conducted between the hours of official sunrise and official sunset.

## **SECTION 701     NUMBER OF PARKING SPACES REQUIRED**

In all zoning districts, the number of parking spaces provided shall be in accordance with the following schedule of requirements:

<b>USE</b>	<b><u>PARKING SPACES REQUIRED</u></b>
<b>INSTITUTIONAL</b>	
1. Civic and Educational: primary; and secondary school; library in the assembly room	1 space for each employee plus one space for each 6 seats
2. Governmental; township building used for administrative functions	1 space for each 200 sq. ft. of office floor space for each 4 seats in assembly rooms
3. Place of Worship	1 space for each 3 seats in principal

	Assembly room
4. Welfare: Hospital  Health center Home for the Aging  Nursing Home	1 space per 2 beds plus 1 space for each employee 1 space per 150 sq. ft floor area 1 space per each 4 guest rooms or apartment number of units plus 1 space for each employee
<b>RESIDENTIAL</b>	
5. Single family dwelling	Shall provide adequate off-road parking for minimum of 2 vehicles
6. Multi-family dwelling	Shall provide adequate off-road parking for minimum of 2 vehicles per unit
<b>OFFICE BUILDING</b>	
7. Medical and dental offices and clinic	1 space per 1500 sq. ft of floor area plus 1 space for each doctor and/or dentist
8. Other Office	1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft of floor area of upper floors.
9. Motel, Hotel, bed and breakfast	1 space per guest room or unit
10. Mortuary	1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces
<b>RETAIL BUSINESS</b>	
11. General retail establishments	1 space per 200 sq. ft. of ground floor area 1 space per 300 sq. ft. of floor area of other floor
12. Banks  Convenience and personal service Service establishments, food and drug stores, barbers, beauticians, etc.	1 space per 200 sq. ft. of floor area plus 5 spaces for each teller. 1 space per 160 sq. ft. of floor area
13. Eating places, bars, taverns	1 space per 50 sq. ft. of floor area or 1 Space per 2 seats, whichever requires the greater number of spaces; a minimum of 40 spaces if carry-out drive-in service included



14. Club, lodge or other assembly	1 space per 4 seats in building
<b>COMMERCIAL BUSINESS</b>	
15. Indoor theater	1 space per 4 seats in building
16. Dance hall, skating rink, Swimming pool	1 space per 50 sq. ft. of area used for skating or swimming
17. Bowling Alley	7 spaces per bowling lane
Service and Storage establishment	1 space for every employee on the combined employment of the largest successive shifts
<b>INDUSTRIAL</b>	
19. Executive offices, sales offices	1 space per 200 sq. ft. of executive and sales office floor area
20. Permitted Industrial Uses	1 space for each 1.5 employees or 1 space for each 300 sq. ft. of building area, whichever is greater
<p>If the application of the standards as set forth in this subsection as to number of employees results in lesser number of parking spaces than required by the application of standard as to square feet of building, the Zoning Inspector may permit the construction of the lesser number of spaces. However, the additional area required to provide the number of spaces under the square feet of building standard shall be reserved and held as open area exclusive of all required yard areas, for future construction of parking spaces when the number of employees in the building is increased. Furthermore, when a substantial amount of floor area is used solely for the storage of material and merchandise, the Zoning Inspector may exclude such area in computing the required number of parking spaces based on the standard as to square feet of building, but in no event shall the Zoning Inspector require less than one (1) space for each 600 square feet of building area.</p>	
<b>OTHER BUILDING OR USES</b>	
For a specific use not listed, the Zoning Inspector shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use.	

## **SECTION 702 NUMBER OF LOADING/UNLOADING SPACES REQUIRED**

<b>Building or Use</b>	<b>Gross Floor Area of Building (square feet)</b>	<b>Required Number of Loading Spaces</b>
Retail stores, All types	5,000 to 10,000	1 space
	10,000 to 40,000	2 spaces
	40,000 to 100,000	3 spaces

	Each additional 50,000	1 additional space
All commercial	Up to 40,000	1 space
Manufacturing	40,000 to 100,000	2 spaces
Establishments	Each additional 50,000	1 additional space
Uses for which off-street loading facilities are required but which are located in buildings of less than 5,000 square feet of floor area shall be provided with a receiving platform or other facilities adjacent to a service drive or other space on the same lot.		

### **SECTION 703 SIZE OF PARKING AND LOADING/UNLOADING SPACES**

A required off-street loading space shall be at least twelve (12) feet by at least twenty-five (25) feet in length for buildings having less than 15,000 square feet of gross floor area, and each required loading space for a building of 15,000 square feet or more of floor area shall be not less than fourteen (14) feet wide by sixty (60) feet in length. Each space shall have a vertical clearance of at least fourteen (14) feet. The above area shall be exclusive of aisle and maneuvering space.

For industrial uses the maneuvering space or apron for off-street loading shall be at least sixty (60) feet wide measured from the outermost part of any vehicle backed up to a loading dock or any other possible obstruction in the maneuvering area.

The size of a parking space shall be a minimum of 10 feet wide and the length shall be a minimum of 20 feet. The total area shall be a minimum of 200 square feet.

### **SECTION 704 DETERMINATION OF THE NUMBER OF PARKING AND LOADING/UNLOADING SPACES REQUIRED**

1. The collective provision of parking and loading/unloading spaces for two (2) or more uses may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this resolution.
2. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, additional parking and loading/unloading spaces shall be provided on the basis of the floor area of such enlargement, reconstruction, or structural alteration.

## **CHAPTER 8 – SIGNS**

### **SECTION 800 GENERAL REQUIREMENTS FOR ALL SIGNS**

The following regulations shall apply to all signs in all zoning districts:

1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights, except that portion of a sign indicating time and/or temperature. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
3. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.
4. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
5. No sign shall be placed within any public right-of way except governmental signs.
6. Should any sign be or become unsafe, unsightly, obsolete, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in safe and secure condition or remove the sign.

### **SECTION 801 PROHIBITED SIGNS IN ALL DISTRICTS**

The following signs shall be prohibited in all zoning districts:

1. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental; signs and/or approaching or merging traffic.
2. Signs which interfere with, imitate or resemble an official governmental sign, signal or device.
3. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.

4. Freestanding signs.
5. Roof signs.
6. Billboard or off-premises advertising.

## **SECTION 802 GOVERNMENTAL SIGNS EXEMPTED**

Signs erected and maintained pursuant to or required by any law or governmental regulation shall be exempt from the provisions of this resolution.

## **SECTION 803 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A ZONING CERTIFICATE**

The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered in all zoning districts without a zoning certificate or fee but subject to following limitations:

1. One (1) real estate sign per lot, dwelling unit, with a maximum area of 4 square feet per sign face with advertises the sale, lease, or rental of the premises upon which such sign is located.
2. One (1) real estate development sign per subdivision with a maximum area of 32 square feet per face which advertises the sale of lots in the subdivision upon which such signs located.
3. Name Plate and Street Address
  - a. One (1) nameplate sign per lot, dwelling unit, or use with maximum area of six (6) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
  - b. Each primary structure upon a parcel in all Zone Districts shall display the street address number visible and readable from the street. One street address shall be located at the edge of the street right-of-way and another street number may be located on the front of the principal structure.
4. Directional (entrance and exit) signs on private property with a maximum area of 4 square feet per sign face and containing only directional information.
5. Political signs relating to candidates for public office issues may be erected only with the permission of the owner of the premises and shall not be erected more than thirty (30) days prior to election day and shall be removed within fourteen (14) days following election day. No political sign shall be erected within a public right-of-way no shall such sign be posted on a utility pole.
6. One (1) development sign per subdivision or premise with a maximum area of 32 square feet per sign face. Such sign shall be maintained by the owner of real property upon which the sign is located.
7. Window signs.

No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign.

## **SECTION 804 SIGNS PERMITTED IN RESIDENTIAL ZONES**

Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:

Each residential dwelling may be permitted only one (1) of the following signs on the premises: wall or ground.

1. Wall signs shall have a maximum area of 6 square feet
2. Ground signs shall have a maximum area of 6 square feet per sign face.  
Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
  1. Professional or home occupation signs.
  2. Bulletin board signs.

No sign shall be illuminated by electricity, gas, or other artificial light.

## **SECTION 805 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL ZONES**

Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and industrial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:

1. Each commercial or industrial use may be permitted one (1) of the following signs on the premises: wall, projecting, or marquee.
  - a. Wall signs shall have a maximum of 16 square feet.
  - b. Projecting signs shall have a maximum area of 16 square feet per sign face and shall not extend more than 3 feet measured from the face of the building to which such sign is located.
  - c. Marquee signs shall have a maximum area of 20 square feet per sign face

- d. and shall not extend more than 10 feet measured from the face of the building to which is attached.
2. In addition to a wall, projecting, or marquee sign each commercial or industrial use may be permitted one (1) ground sign on the premises. Such sign shall not exceed 100 square feet per face in area.
3. In lieu of the permitted ground sign in paragraph 2 above, one (1) or more groups of commercial or industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of 200 square feet per sign face.

Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and industrial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:

1. Bulletin board signs.
2. Business or professional signs.
3. Directory signs.

#### **SECTION 806 MEASUREMENT OF SIGN AREA**

The surface or face 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 displaying advertising matter shall not be included in computation of the surface area.

#### **SECTION 807 MEASUREMENT OF SIGN HEIGHT**

The height of a sign shall be measured from the average finished grade level adjacent to the base of the sign, and vertically to the highest point of such sign including frames and structural members.

#### **SECTION 808 MAXIMUM HEIGHT REQUIREMENTS**

1. Projecting, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.
2. Ground signs shall have a maximum height of 10 feet.

## **SECTION 809     MINIMUM YARD REQUIREMENTS**

1. Ground signs shall have a minimum setback of 10 feet from the front lot line.
2. Ground signs shall have a minimum setback of 10 feet from the side lot line.

## **CHAPTER 9 – NONCONFORMING STRUCTURES AND USES**

### **SECTION 900 PURPOSE**

Within the districts established by this Resolution or by amendments, lots, uses of land, structures and uses of structures and land in combination which were lawful before this Resolution was passed, but which would be prohibited, regulated, or restricted under the terms, these nonconformities are herein recognized by providing for their continuance. Furthermore, nothing contained in this Resolution shall be construed to require any change in layout, plans, construction, size or use of any lot, structure, for which a zoning permit became effective prior to the effective date of this Resolution and such nonconformities be allowed to continue until removed. Therefore, no nonconformity may be moved, extended, altered, or expanded without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

### **SECTION 901 INCOMPATIBILITY OF NONCONFORMITIES**

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs or by the addition of which would be prohibited in the district in which such use is located.

### **SECTION 902 CONSTRUCTION BEGUN**

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

### **SECTION 903 CERTIFICATES OF NON-CONFORMITY**

The Zoning Inspector shall issue a certificate for any lot, structure, use of land, use of



structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure and land used for nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy shall be retained by the Zoning Inspector.

## **SECTION 904    SUBSTITUTION OF NONCONFORMING USES**

So long as no structural alterations are made, except as required by enforcement of other codes or resolution, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board of Zoning Appeals shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require that additional conditions to the approval of such change and failure to meet such conditions shall be considered a punishable violation of this resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not be changed to a more intensive use.

## **SECTION 905    SINGLE NONCONFORMING LOTS OF RECORD**

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

## **SECTION 906    NONCONFORMING LOTS OF RECORD**

If two or more lots or combination of lots and portions of lots with continuous :frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the

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

## **SECTION 907     NONCONFORMING USES OF LAND**

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

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Resolution; that up to a 20% increase in the nonconforming use area may be granted, but such nonconforming shall never increase by more than 20% during the life of the nonconforming use.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

## **SECTION 908     NONCONFORMING STRUCTURES**

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

1. Nonconforming structures may be enlarged or altered to increase such nonconformity once, but only at 20% of the gross floor area, which percentage shall apply to the life of the structure.
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it may be reconstructed to its previous state or a more

conforming status.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## **SECTION 909 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution 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; or an expansion of the structure not to exceed 20% of the use for the lifetime of the nonconforming use of the structure.
2. Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structure alterations are made, any nonconforming use of structure or structure and land in combination, may upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
4. 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, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years except when government actions impede access to the premises, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

## **SECTION 910     TERMINATION OF USE THROUGH DISCONTINUANCE**

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

## **SECTION 911     TERMINATION OF USE BY DAMAGE OR DESTRUCTION**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement of such structure exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this resolution. When such a nonconforming structure is damaged, or destroyed to the extent of fifty percent (50%) or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be completed within one (1) year of such destruction.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

## **SECTION 912     REPAIRS AND MAINTENANCE**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or repair or replacement of nonbearing wall, fixtures, wiring or plumbing, provided that the cubic content/area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official change with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

# **CHAPTER 10 – ENFORCEMENT AND PENALTIES**

## **SECTION 1000 GENERAL**

This chapter stipulates the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this Resolution.

## **SECTION 1001 ZONING CERTIFICATES OR PERMITS REQUIRED**

No building or other structure shall be erected, moved, added to, demolished, structurally altered, nor shall any building, structure, or land be established or changed in use without a certificate or permit thereto, issued by the Zoning Inspector. Zoning Certificates or Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives written order for, the Zoning Board of Appeals deciding an appeal, conditional use, or variance, and upon completion and approval of site plan review for uses requiring site plan review under this Resolution.

### **1. RESIDENTIAL USES**

RESIDENCE... R1 -To permit the establishment of residential agriculture dwellings.

RESIDENCE... R2 - To permit the establishment of Residential single-family dwellings.

RESIDENCE... R3&4- To permit a home occupation to be maintained in a dwelling house only if it complies with all the following conditions, and a use permit is obtained from the Farmington Township Zoning Inspector for such intended home occupation. Use permits for a new home occupation will require a sixty (60) day waiting period, during which time all adjacent property owners will be notified.

- a. The use of the dwelling house for the home occupation (R3) shall be clearly incidental and subordinate to its use for residential purposes and shall not constitute more than twenty-five percent of the area of the dwelling house.
- b. A home occupation (R4) may be permitted for attached or unattached accessory buildings are limited in size and space to not more than fifty (50) percent of the living area of the dwelling house.
- c. There shall be no change of the outward appearance of the dwelling house or other visible evidence of conduct of such home occupation other than one (1) non-illuminated sign not to exceed three (3) square feet in area.
- d. No traffic shall be generated by such home occupation in a volume greater

than would be normally expected in a residential neighborhood. No parking shall be permitted in the front yard area of said dwelling house.

- e. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, odors, or electrical interference off the lot. In case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.
- f. Such home occupation must be carried out only by the person or persons maintaining a dwelling therein {R3}, and (R4) may include not more than two (2) non-residing additional persons as employees (full and/part-time) in the home occupation.
- g. The hours of operation of a home occupation shall be limited to 7:00 AM to 10:00 PM Monday through Saturday. No home occupation shall be conducted on Sundays.
- h. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate storage facilities for waste disposal are provided and the same are screened from view.

## 2. COMMERCIAL, INDUSTRIAL, AND OTHER NON-RESIDENTIAL USES

In these categories, a "change of use" status will exist when the previous or existing use of a structure, building, or portion thereof is or has ceased and the new or converted use is not the same as that previous or existing use. Such conversions shall be made in conformance with all applicable sections of this Resolution prior to the issuance of a Zoning Certificate or Permit.

COMMERCIAL... C - To permit the establishment of professional, administrative, clerical businesses, and similar uses; to permit the construction of apartment buildings and other multi-family dwellings and establishments; to permit the establishment of small convenience businesses which are intended to meet the daily or regular needs of the residents of an immediate neighborhood; and to permit the establishment of commercial areas to meet the needs of both regional and local market areas.

INDUSTRIAL... I - To permit the establishment and development of light industry, storage and warehousing uses, and to encourage development of major manufacturing, processing, warehousing, and major research and testing operations.

## **SECTION 1002   CONTENTS OF APPLICATION FOR ZONING CERTIFICATE**

Before construction, locating, changing the zoning use of, or altering any buildings, including necessary buildings, or changing the zoning use of any premises, application shall be made to the Township Zoning Inspector for a Zoning Certificate or Permit. The application for Zoning Certificate shall be signed by the owner, or an agent of the owner, attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within twelve months or substantially completed within two years. The proposed building location shall be staked and an appointment for a site inspection shall be made with the Township Zoning Inspector prior to the commencement of construction. At a minimum, the application shall contain the following and shall be accompanied by all required fees.

1. Name, address, and phone number of applicant
2. Legal description of the property;
3. Existing use;
4. Proposed use;
5. Zoning District;
6. Plot plan drawing to scale showing the exact dimensions and shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the locations and dimensions of the proposed building(s) or alterations; if possible, show the location of existing or proposed septic system and well and their approximate distance to structures; the Zoning Inspector may request additional copies of such plan, if necessary;
7. Building heights;
8. Number of off-street parking spaces or loading berths and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. Any signage proposed;
12. Towers or Antennae;
13. Copies of approvals granted for uses and structures involved that required prior special review from the Zoning Commission or Zoning Board of Appeals such as variances, site plan review, or conditional uses.
14. Such other documentation as may be necessary to determine conformance with and to provide for the enforcement of this Resolution.

In the event of an emergency, including fire, windstorm, flood, or other acts destroying totally or partially a dwelling house, building, or structure making the same uninhabitable or unusable, the Zoning Regulations herein may be temporarily

suspended insofar as they may apply at the discretion of the Zoning Inspector with the concurrence of the Chairperson of the Zoning Board of Appeals, by issuing a Temporary Permit for a temporary structure to be used in the place of such destroyed building while the destroyed building is being repaired or replaced. Under said conditions, the Zoning Inspector may permit the use of tents, trailers, or buildings for a one (1) year period.

### **SECTION 1003 APPROVAL OF ZONING CERTIFICATE OR PERMIT**

Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or deny the application in conformance with the provisions of this Resolution. All Zoning Certificates shall, however, be conditional upon the commencement of work within one year of the date of issuance. One copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector shall have marked such copy either as approved or denied and shall have signed and dated such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with provisions of this Resolution.

### **SECTION 1004 SUBMISSION TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION**

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



## **SECTION 1005 EXPIRATION OF ZONING CERTIFICATE**

If the work described in any zoning certificate has not begun within twelve (12) months from the date of issuance, the certificate shall expire; it shall be revoked by the Zoning Inspector and written notice shall be given to the persons affected. If the work described in any zoning certificate has not been substantially completed within two years of the date of issuance of the certificate, said certificate shall expire and be revoked by the Zoning Inspector and written notice shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained. The Zoning Certificate will expire if the property has been sold or transferred to another person. A Zoning Certificate, when obtained by any applicant or his/her agent shall not be transferred to another person or to another property and the fee paid shall not be refunded.

## **SECTION 1006 CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a Certificate of Occupancy shall have been issued for such use or structure by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements this Resolution. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Resolution or other regulations.

## **SECTION 1007 TEMPORARY CERTIFICATE OF OCCUPANCY**

A Temporary Certificate of Occupancy of not more than one (1) year may be issued by the Zoning Inspector for the use of otherwise prohibited structures as a temporary dwelling. Such Temporary Certificates shall provide a temporary dwelling pending construction of a completed and permitted dwelling, or in an emergency situation involving the destruction of a previous dwelling on the property, provided a written application is made by the owner accompanied by written plans of the permitted, completed dwelling. This may include such prohibited structures for human habitation as a basement, or a building designed for use as a garage and/or barn, or trailers or mobile homes. As the title implies, such use of otherwise prohibited structures shall be temporary. Such Temporary Certificate of Occupancy may be extended on appeal for an additional two (2) year period or less at the discretion of the Zoning Board of Appeals. The fee for such a Temporary Certificate of Occupancy shall be as per Appendix A.

## **SECTION 1008 MAINTENANCE OF RECORDS**

The Zoning Inspector shall maintain in the Township Zoning Inspector's Office:

1. Permanent records of all applications, fees, bonds, certificates, plans, meeting notices, hearings, special studies, amendments, and other activities and actions conducted in the administration and enforcement of the Zoning Resolution.
2. A list of nonconforming uses.
3. An original copy of the Zoning Resolution maintained with amendments.
4. A master copy of the zoning district map maintained current with amendments.

## **SECTION 1009 FAILURE TO OBTAIN A ZONING CERTIFICATE OR CERTIFICATE OF OCCUPANCY**

Failure to obtain a zoning certificate or certificate of occupancy shall be a punishable violation of this Resolution.

## **SECTION 1010 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES**

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

## **SECTION 1011 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, investigate it in a timely manner and take action thereon as provided by this Resolution.

## **SECTION 1012 ENTRY AND INSPECTION OF PROPERTY**

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purposes of enforcing the provisions of this resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain permission of the owner/occupant to inspect. If such permission is denied or cannot be

obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant or other means prior to entry.

### **SECTION 1013 STOP WORK ORDER**

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a Stop Work Order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector shall constitute a violation of this Resolution.

### **SECTION 1014 ZONING CERTIFICATE REVOCATION**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

### **SECTION 1015 NOTICE OF VIOLATION (NOV)**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as a notice of violation (NOV). Such order shall:

1. Be in writing.
2. Identify the violation.
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated.
4. State that the violation shall be corrected in a timely manner specified by the
5. Zoning Inspector, depending on the urgency of the violation, normally a maximum time of thirty (30) days.

Service of notice of the violation shall be as follows:

1. By personal delivery to the person or persons responsible for the violation or by leaving notice at the usual place or residence of the owner with a person of suitable age and discretion; or
2. By certified mail deposited in the United States Post Office, addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed with the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record,

- provided the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

## **SECTION 1016 PENALTIES AND FINES**

It shall be unlawful to erect, move, add to, enlarge, demolish, alter, establish, reconstruct, maintain, or repair any building, structure, or land in violation of any provision of this Resolution or amendments thereto. Any person, firm, or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice and expiration of the notice period shall constitute a separate offense, subject to an additional fine of not more than five hundred dollars (\$500.00). The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

## **SECTION 1017 ADDITIONAL REMEDIES**

Nothing in this Resolution shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to the other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violations.

## **SECTION 1018 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Township Trustees shall by Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Certificates, temporary certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Office of the Township Clerk and of the Zoning Inspector and may be altered or amended only by the Township Trustees. Until all applicable fees; charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or other special review. The current Schedule of Fees is contained at Appendix A.

# **CHAPTER 11 – DEFINITIONS**

## **SECTION 1100 INTERPRETATIONS OF WORDS OR TERMS**

For the purpose of this code, certain words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.

The present tense includes future tense; the singular number includes the plural, and visa versa.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

Any word or term not defined herein shall be given a meaning found in Webster's Dictionary.

## **SECTION 1101 DETAILED DEFINITIONS**

**ABANDONMENT** - To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

**ABUTTING** - Having property or district lines in common.

**ACCESSORY STRUCTURE/USE** -A structure or use that:

1. is clearly incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or a principal use;
2. is subordinate in area, extent, or purpose to the principal building use served;
3. contributes to the comfort, convenience or necessity of occupants, business, or industry in the principal building or principal use served; and
4. is located on the same lot as the principal building or use served.

**ADDITION** - any construction which increases the size of a building.

**ADULT ENTERTAINMENT BUSINESS** - an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment.

**AGRICULTURE** -The Township adopts the definition in R.C. 519.01: farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture;

animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agriculture shall not include business operations related to agriculture, but which are not farming, such as a commercial slaughterhouse or kill plant or fertilizer or equipment sales or production, and such operations are permitted only in areas zoned Commercial or Industrial.

**AGRICULTURAL BUILDING** – Buildings or structures used solely for agricultural uses and activities carried out on the same parcel of land, including to raise or store agricultural products or equipment or animals, such as barns, silos, greenhouses and roadside stands. A property owner who intends to construct an Agricultural Building must complete an Agricultural Building Use Application/Certification Form. The information provided is used to determine if the proposed building qualifies as an Agricultural Building. A house, or garage or building for the storage of non-agricultural material and equipment is not an Agricultural Building.

**AGRITOURISM** – the Township adopts the definition in R.C. 901.80(A)(2): “an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity”. As required by R.C. 901.80(A)(4), to be considered agritourism, a farm must either (1) contain at least 10 acres devoted to agricultural production or (2) the land produces an average yearly gross income of at least \$2,500 from agricultural production.

**ANIMAL HUSBANDRY** – the Township adopts the definition in R.C. 519.01: “the care and raising of livestock, equine, and fur-bearing animals.

**AIRPORT** - Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

**AISLE** - the traveled way by which cars enter and depart parking spaces.

**ALTERATION, STRUCTURAL**- any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**AMENDMENT**— a change in an adopted plan for site plans or to the Zoning Resolution.

**AMUSEMENT ARCADE** - a building or part of a building in which five or more pinball machines, video games, or other similar player-operated devices are maintained.

**ANNEXATION** - the incorporation of land from an unincorporated area to a Municipality.

**ANTENNA** - any system or wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

**APPLICANT** - owner of record, or his authorized agent which shall be confirmed in writing.

**AUTOMOBILES** -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.

**AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, MANUFACTURED HOME, AND FARM IMPLEMENT SALES** - the sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTOMOTIVE REPAIR** - the repair, rebuilding, re-conditioning, or servicing of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE WRECKING** - the dismantling or wrecking of used motor vehicles, manufactured homes, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**BAR, TAVERN AND/OR COCKTAIL LOUNGE** - any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded

therefrom by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five (25) percent of the gross receipts.

**BASEMENT** - a story all or partly underground but having at least one half of its height below the average level of the adjoining ground.

**BED AND BREAKFAST INN** - a house, or portion thereof; where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**BOARDING HOUSE, ROOMING HOUSE, LODGE** - a building or part thereof, other than a hotel, motel, restaurant, where meals and/or lodging are provided for compensation for unrelated persons. These uses shall also be characterized by the joint use by the inhabitants of at least one of the following: kitchen area, dining room, restroom, bath area.

**BOARDING AND/OR TRAINING KENNELS** - any lot or premises used for boarding and/or training of domesticated animals, other than the animals owned by the person residing on the premises.

**BUFFER ZONE** - a strip of land, identified within the Resolution, which protects one type of land use from another with which it is incompatible, which strip is normally landscaped and kept in open space.

**BUILDING** - any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

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

**BUILDING LINE** - a line parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Resolution.

**BUILDING, PRINCIPAL** - a building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS, GENERAL** - commercial uses which generally require locations on or near major arteries and/or their intersections, and which tend in addition to serving day-to-day



needs of the community, also supply the more durable and permanent needs of the whole city. General business uses include but need not be limited to such activities as: supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

**BUSINESS, OFFICE-TYPE** - quasi-commercial uses which may often be transitional between retail business and /or manufacturing, and residential uses. Office business generally accommodates such occupations as: administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included.

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

**CERTIFICATE OF OCCUPANCY** - official certification that a premise conforms to provisions of the Zoning Resolution and that such premise may be used or occupied.

**CHILD DAY CARE** - administering to the needs of infants, toddlers, preschool children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than the child's own home. The following are child day care facilities:

1. **CHILD DAY CARE CENTER** - any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
2. **TYPE A FAMILY DAY CARE HOME**- a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and residence is their home.

3. **TYPE B FAMILY DAY CARE HOME** - a permanent residence of the provider in which child day care or child day care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**CAMPGROUND** - an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**CAR WASH** - an area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**CHURCH** - an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**CLUB** - a building or portion thereof or premises owned or operated by an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, primarily for the exclusive use of members and their guests, but not operated for profit, excluding churches, synagogues, or other houses of worship.

**CLUSTER DEVELOPMENT** - a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COMMERCIAL VEHICLE** - any vehicle utilized in a business or profit-making venture designed to carry materials and/or personnel, such as, but not limited to, a van, a pickup truck, a stake-bodied truck or such similar vehicle used for business purposes.

**COMMON LAND** - a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

**COMMUNITY CENTER** - a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMPREHENSIVE DEVELOPMENT PLAN** - a plan, or any portion thereof, adopted by the legislative authority of Farmington Township, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**CONDITIONAL USE** - a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare; such use requires a Conditional Permit and approval by the Zoning Board of Appeals, permit to be issued by the Zoning Inspector.

**CONGREGATE LIVING FACILITY** - any residential facility for which the operator provides personal services except skill nursing services for four (4) or more elderly persons. Such facilities contain only congregate kitchen, dining, and living areas with separate sleeping rooms.

**CONSTRUCTION** - wherever mentioned in these Resolutions shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of these Resolutions.

**CONTIGUOUS**- adjacent to and touching at or along some point or boundary.

**COUNTY**- any reference to a County shall refer specifically to Trumbull County, Ohio.

**DANGEROUS PET** - any animal, reptile, bird, fish, or insect which is trained, restrained, confined, and cared for in a way which demonstrates ownership and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

**DENSITY** - a unit of measurement: the number of dwelling units per acre of total land.

1. Gross Density - the number of dwelling units per acre of total land to be developed.
2. Net Density- the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**DISABLED VEHICLE** - any motor vehicle which is incapable of being operated or propelled by the vehicle's own power.

**DISTRICT** (or **DISTRICTS**) - a part, zone, or geographic area within the township, within which certain zoning or development regulations apply.

**DRIVEWAY** - the area of a lot reserved for ingress and egress to the main structure and consisting of a hard surface of gravel, asphalt, concrete, brick, or stone.

**DWELLING, SINGLE FAMILY DETACHED** - a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**DWELLING, TWO-FAMILY** - a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**DWELLING, MULTI-FAMILY** - a dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**DWELLING, INDUSTRIALIZED UNIT** - an assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and, when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit, but not a mobilehome.

**EASEMENT** - authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

**EFFECTIVE DATE** - the date at which time these Farmington Township Zoning Resolutions were initially adopted, and any dates of Amendments thereto, as adopted by the Farmington Township Trustees.

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

**FACTORY BUILT HOUSING-** a structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

1. **MANUFACTURED HOME** - any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square .feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance the Federal Manufactured Housing Construction and Safety Standards.
2. **MODULAR HOME** - factory built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.
3. **MOBILE HOME** - any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets and highways, and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**FAMILY** - a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption.

**FARM** - a parcel of land used for growing or raising agricultural products, including related structures thereon.

**FARM MARKET** - a structure used for the display and sale of agricultural products, where at least fifty percent of the gross income is from produce raised on farms owned or operated by the market operator.

**FENCE** - a barrier constructed to enclose an area or for protective screening purposes.

**FLOOR AREA, LIVING** - the sum of gross horizontal area of the floors of a residential building, excluding the basement floors of any kind, porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space, measured from the interior faces of exterior walls.

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING** (to be used in calculating parking requirements) - the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and dining room, and similar areas, measured from the interior faces of exterior walls.

**GARAGE, PRIVATE** - a building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**GARAGE, SERVICE STATION** - buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, minor services may be rendered and sales made.

Uses permissible at a Service Station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

**GARAGE SALES** - any sales conducted by the owner of the premises in the garage, yard, porch, lawn, or other terminology which may be applicable in a residential area.

**GOVERNMENTAL AND PUBLIC BUILDINGS** - public parks, public schools, public libraries, and all buildings and lands used for the function of governmental agencies.

**GRADE FINISHED** - the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**GRADE, NATURAL** - the elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

**GREEN AREAS** - an area of the parcel or lot that shall be set aside for grass or vegetation to be maintained, exclusive of driveways, parking areas, and structures. Whenever parking areas create a large area, it is requested that they be broken up with

small planter areas, including trees. These planter areas will be included in the mandated green area.

**GROUP RESIDENTIAL FACILITY** - a community residential facility, licenses and/or approved and regulated by the State of Ohio, which provides care or rehabilitative services.

**HEAVY EQUIPMENT** - equipment used for business purposes, including vehicles such as cranes, backhoes, bulldozers, earth-moving equipment, power shovels, and related equipment, and fixed equipment used for business purposes such as a press or other such production machinery and related items used for business.

**HEIGHT OF BUILDING** - the vertical distance measured from the average ground level at the sides of the building to the extreme high point of the building, exclusive of chimneys and similar fixtures.

**HOME OCCUPATION** - an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit or accessory building and which does not affect the residential character of the neighborhood or alter the exterior of the property, such as teaching, tutoring, babysitting, tax consulting, and the like.

**HOMEOWNERS ASSOCIATION** - a private, nonprofit corporation or association of homeowners for the purpose of owning, operating, and maintaining various common properties.

**HOSPITAL** - an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

**HOTEL OR MOTEL AND APARTMENT HOTEL** - a building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.

**INDUSTRIAL PARK** - a planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**INDUSTRY, HEAVY** - a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INDUSTRY, LIGHT** - a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**INTERSECTION** - the junction of any two or more dedicated and accepted public streets in Farmington Township.

**JUNK** - waste, discarded or salvaged materials, such as: scrap metals, used building materials, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, salvaged rope, bags, barrels, and other similar type materials.

**JUNK SHOP, JUNK BUILDING, JUNK YARD** - any area of at least seventy-five (75) square feet of land, buildings, or structures, whether for private or commercial purposes, where junk is sold, stored, or processed, any land used for storing or keeping two or more junk motor vehicles in the open, on any premises for more than 72 hours.

**JUNK VEHICLE**- any vehicle meeting the following criteria:

1. Extensively damaged. Such damage includes but is not limited to any one of the following: missing wheels, tires, motor, or transmission; or
2. Inoperable; or unlicensed

**KENNEL** - any lot or premises on which two or more dogs, more than three months of age, are bred for sale or for hunting or are boarded.

**LANDSCAPING** - changing or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the land use.

**LANDFILL** - a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.



**LAUNDRY, SELF-SERVICE** - a business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**LOADING SPACE, OFF-STREET**-space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**LOT**—a parcel of land sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required and having its principal frontage on a public street or private street built to Trumbull County Subdivision Regulation standards.

**LOT DEPTH** - the mean horizontal distance between the right-of-way line and the rear lot line.

**LOT FRONTAGE** - the horizontal distance measured between the side lot lines at the street right-of-way line.

**LOT LINE, FRONT** - the line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street. If there is no established right-of-way sideline for the road or street, said line shall be deemed to be thirty (30) feet from the center of the road.

**LOT LINE, REAR** - the lot line opposite to the front property line.

**LOT LINE, SIDE** - any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

**LOT, MINIMUM AREA OF (SIZE)** - the area of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

**LOT WIDTH** - the horizontal distance measured between the side lot lines at the building setback line.

**MAINTENANCE AND STORAGE FACILITIES** - land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MARQUEE** - any hood or awning of permanent construction projecting from the wall of

a building, above an entrance, over a street or sidewalk, or portion thereof.

**MOBILE HOME**- any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding weight of four thousand five hundred (4500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**MOBILE HOME LOT** - the portion of a mobile home park designated for the use or occupancy of one mobile home.

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

**NIGHTCLUB** - a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term “cabaret.”

**NONCONFORMITIES**- lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

**NUISANCE**- anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**NURSING HOME:**

1. **INSTITUTIONAL** - a state licensed home or facility for the care and treatment of people on a long-term basis.
2. **NON-INSTITUTIONAL** - a facility licensed or certified to provide domiciliary care for nine (9) to sixteen (16) individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not including mental retardation or developmental disabilities) but who do not require skilled nursing.

**NURSERY, PLANT MATERIALS** - land, building, structure, or combination thereof

for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening and landscaping.

**OFFICE** - a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OIL AND GAS WELLS**— all wells as defined herein for the production or extraction or injection of oil and/or gas and/or associated waste brines.

**OPEN SPACE** - an area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features water areas, swimming pools, and tennis courts, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and required side, front, and rear yards shall not be included. Bodies of water as well as any area within a designated flood hazard area may be counted toward up to fifty (50) percent of the open space area requirements.

**OPEN SPACE, COMMON** - open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OUTDOOR STORAGE**— the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**PARK** - any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARKING SHARED** - the development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.

**PARKING SPACE (Off-Street)** - an unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle with room for opening doors on both sides, exclusive of driveways and aisles.

**PERSONAL SERVICES** - any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**PERSON** - shall mean and include any individual, firm, partnership, association, corporation, trust, cooperative, or any other type of organization.

**PLANNED UNIT DEVELOPMENT (PUD)** - an area of land in which a variety of housing types and subordinate commercial and industrial facilities may be accommodated in a unified, preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**PLANNING COMMISSION** - the public body empowered to prepare plans; any reference to a Planning Commission shall refer specifically to the Trumbull County Planning Commission.

**PORCH** - a roofed open structure projecting from the front, side, or rear wall of the building.

**PRINCIPAL BUILDING**- a building in which the primary use of the lot on which the building is located is conducted.

**PRINCIPAL USE** - the primary use and chief purpose of a lot or structure.

**PROPERTY** - any real property within the Township which is not a street or highway; any personal property covered by these regulations located upon real property within the Township.

**PUBLIC USES** - public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

**RECREATION FACILITIES** - public or private facilities that may be classified as either "extensive" or "intensive" depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs, and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, golf courses, amusement parks, stadiums, bowling alleys, and tennis courts.

**RECREATIONAL VEHICLE** – a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses.

**RECREATIONAL VEHICLE (RV) PARK-** any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RESTAURANT** - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

**REST HOME OR NURSING HOME (NON-INSTITUTIONAL)** - a facility licensed or certified to provide domiciliary care for nine (9) to sixteen (16) individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care. A state licensed home for facility for the care and treatment of people on a long-term basis.

**RETIREMENT FACILITY** - a facility providing living quarters, either owned or rented to persons aged 55 years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational, and commercial services if such services are available and predominantly designed for residents and their guests.

**RIGHT-OF-WAY** - a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**ROADSIDE STAND** - a temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are from the premises.

**ROOMING HOUSE** - a residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

**SCRAP METAL** - 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.

**SCREENING** – the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**SELF-SERVICE STATION** - an establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale retail products.

**SEPTIC SYSTEM, PRIVATE ON-SITE** - a septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the County Health Department.

**SETBACK LINE** - a line established by the Zoning Resolution parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

**SIDEWALK** - that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIGN** - any device designated to inform or attract the attention of persons not on the premises on which the sign is located. Types of signs and design of signs details are in section 1102 and 1103.

**SIGHT PLAN** - a plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

**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, dry-wall, insulation, shingles, electrical and plumbing scrap.

**STORY** - that part of a building included between the surface of a floor and the ceiling immediately above. When applying to the permissible height of the building, the term "story" shall not include a basement if the basement is not designed for living quarters and if the ceiling thereof is not more than four (4) feet above the average ground level.

**STREET OR ROAD** - the full width between property lines, with a part thereof to be used for vehicular traffic.

**STRUCTURE** - anything erected, constructed, or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sills, or other supports is or is not permanently located in, the soil.

**STRUCTURAL CHANGE** - any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety for the building.

**SUBDIVISION** - the division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

**SWIMMING POOL, PRIVATE** - an in-ground or above ground structure, chamber, or tank containing a body of water for swimming, diving, or wading. Excludes portable pools with diameter less than 12 feet or with an area of less than one hundred (100) square feet.

1. **SWIMMING POOL, COMMERCIAL/CLUB, COMMUNITY** - a pool as defined above constructed by an association of property owners or by a private club or association, for use and enjoyment by members, their families and guests.
2. **SWIMMING POOL, FAMILY** - a pool as defined above used exclusively by the residents of the dwelling unit and their nonpaying guests.

**TEMPORARY SHELTER** - a building operated under the full-time supervision of a nonprofit agency in which emergency lodging and meals are provided for a period not to exceed thirty (30) days.

**TENT** - a temporary structure of canvas or other similar material for adult occupancy and is not intended to include a child's play tent.

**TOWNSHIP** - any reference to a Township shall refer specifically to Farmington Township, Trumbull County, Ohio.

**TRANSIENT VENDER**- any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, except that "transient vendor" does not include any person who represents a business or organization, including, but not limited to, any entity exempted from taxation under section 5709.04 of the Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods, or an auction or auctioneer company licensed under chapter 4707 of the Revised Code.

**TRANSPORTATION, DIRECTOR OF** - the Director of the Ohio Department of Transportation.

**TRUSTEES** - (BOTT) the Farmington Township, (Trumbull County, Ohio) Board of Trustees.

**USE** - the specific purposes for which land or a building is designated, arranged, intended, or for which it is nor may be occupied or maintained.

**UNLICENSED VEHICLE** - any motor vehicle which is not registered for and carrying a current license for use on the public highway.

**VARIANCE** - a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

**VEHICLE** - any auto, truck, bus, van, trailer, camper, boat secured to a trailer, and that which is mobile and has wheels, tracks, etc. for mobility.

**VICINITY MAP** - a drawing located on the plat or drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**WETLAND** - an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation.

**YARD** - any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projects as are expressly permitted in these regulations. The minimum depth or width of yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**ZERO LOT LINE DEVELOPMENT** – an arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. A housing development where houses have a zero-foot (legally 1 inch) setback from one or more lot lines. No building or



structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero-lot line development or a street shall not be less than that required in the zoning district.

**ZONING COMMISSION** - (ZC) the Farmington Township (Trumbull County, Ohio) Zoning Commission.

**ZONING BOARD OF APPEALS** - (BZA) the Farmington Township (Trumbull County, Ohio) Zoning Board of Appeals.

**ZONING INSPECTOR** - the person designated by the Farmington Township Trustees to perform the task of zoning enforcement.

**ZONING MAP** - the official zoning district map which shows the boundaries of districts within Farmington Township.

**ZONING PERMIT** - a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**ZONING RESOLUTIONS/REGULATIONS/ORDINANCE** - the Farmington Township (Trumbull County, Ohio) Zoning Resolution and its amendments.

## **SECTION 1102 TYPES OF SIGNS**

1. **"Billboard or off-premises advertising"** means a sign which is not located on the premises of the use of which the subject matter on such sign is related.
2. **"Bulletin board"** means an announcement sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located, and is so designed that characters, letters, or illustrations can be changed or rearranged without altering the basic face or surface of the sign.
3. **"Business or professional"** means a sign which directs attention to the name of the business or establishment, the goods or commodities produced and /or sold, and/or services rendered on the premises upon which the sign is located.
4. **"Development"** means a sign indicating the name of a subdivision or premises. Such a sign may also display an address.
5. **"Directory"** means a sign on which the names and locations of occupants and/or use of the building is given.
6. **"Governmental"** means a sign located or erected by a political subdivision.

pursuant to law and serving an official function such as traffic control.

7. **"Nameplate"** means a sign indicating the name and/or address of the occupant of the premises.
8. **"Political"** means a sign which indicates or reflects an opinion on a public issue or draws attention to a candidacy for public office.
9. **"Real estate"** means a sign directing attention to the promotion, development, rental, sale, or lease of real property.

## SECTION 1103    DESIGNS OF SIGNS

1. **"Flat or wall"** means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.
2. **"Freestanding"** means any temporary mobile or portable sign or sign structure not securely or permanently attached to the ground or to a building.
3. **"Ground"** means a sign supported by one (1) or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.
4. **"Marquee"** means a sign consisting of a permanent roof-like structure projecting beyond the wall of the building to which it is attached, generally at an entrance to a building, and designed and constructed to provide protection against the weather.
5. **"Projecting"** means a sign extending beyond the vertical surface or plans of the exterior wall of a building to which such a sign is attached.
6. **"Roof"** means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and so not project beyond any exterior wall of the building on which located.
7. **"Window"** means a sign painted on, attached, or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

## **APPENDIX...A**

### **2022 ZONING PERMIT & RELATED FEES SCHEDULE**

1.	Residential Zoning Permit	\$50.00 Plus \$2.00 per \$1,000 value
2.	Home Business Zoning Permit	\$50.00
3.	Commercial Zoning Permit	\$50.00 plus \$2.00 per \$1,000 Value
4.	Industrial Zoning Permit	\$100.00 plus \$2.00 per \$1,000 Value
5.	Culvert Installation Permit	\$50.00
6.	Transient Vender Permit (business use)	\$100.00
7.	Temporary Certificate of Occupancy	\$100.00
8.	Site Plan Review Fee	\$300.00
9.	Conditional Use Permits	\$300.00
10.	Outdoor Advertising Permit	\$10.00 per square foot
11.	Board of Zoning Appeals Hearing Fee	Residential-\$300.00 Commercial-\$500.00
12.	Zoning Commission Hearing Fee	\$300.00
13.	Planned Unit Development & Cluster Home Application Fee	\$500

Note: If an appropriate permit was not issued prior to start of construction the fees will be doubled.

## APPENDIX...B

### Residential District...R1 & R2...Requirements Summary

1. Minimum lot area: 1.5 acres of usable land area (per family)
1. Minimum lot width at building line: 200 feet
2. Minimum lot frontage: 200 feet or 80 feet for lots larger than five acres
3. Minimum front yard depth: 50 feet from edge of right of way
4. Minimum side yard: 10 feet each side
5. Minimum rear yard: 10 feet
6. Maximum building height: 30 feet to the roofline
7. Minimum living floor area: 1,200 square feet first floor, except a second single family home on a lot shall be a minimum 800 square feet on the first floor.
8. Minimum building width: 24 feet
9. Ingress and Egress (Driveways) will be located at least 10 feet from any property line.
10. Minimum Culvert size is 12" x 40' double wall corrugated plastic pipe required. (If culvert is needed.)
11. At least two (2) off street parking spaces shall be provided for Residential Lot with an area of not less than two hundred (200) square feet per space.
12. Garages, car-ports and accessory building are permitted provided they are no closer than fifty (50) feet to a front or fifteen (15) feet to a side or rear property line.
13. Fee for Residential Zoning Permit... \$50.00 Application Fee  
Plus \$2.00 per \$1,000 Value

## Mobile Home...MH District Requirements Summary

1. Each mobile home lot shall consist of not less than one-half (1/2) acre.
2. Any mobile home or other structure permitted shall have a setback of fifty (50) or more from any front or side street property line.
3. At least two (2) off street parking spaces shall be provided for each mobile home lot with an area of not less than one hundred eighty (180) square feet per space.
4. The mobile home located upon the lot shall be so located as to provide for a ten (10) foot side yard clearance on each side.
5. The minimum floor space of mobile homes designated and used for living quarters shall be not less than seven hundred (700) square feet.
6. Four frame, tie downs are to be installed on original pad. Tie down bars to be of buried depth of at least fifty percent (50%) or more of the thickness of the pad, for securing the stability of the mobile home.
7. Ingress and Egress (Driveways) will be located at least 10 feet from any property line.
8. Minimum culvert size is 12" X 40' double wall corrugated plastic pipe required (if culvert is needed)
9. Garages, carports, and accessory building are permitted provided they are no closer than fifty (50) feet to a front or fifteen (15) feet to a side or rear property line.
10. Fee for Mobile Home Zoning Permit      \$50.00 Application Fee  
Plus \$2.00 per \$1,000 Value

**Commercial...C District Requirements Summary**

- 8. Minimum front yard depth: 50 feet from the right-of-way.  
Steps and uncovered porches less than ten (10) feet in width may be erected within fifty (50) feet of the right-of-way.
- 9. Minimum side yard width: 10 feet
- 10. Minimum rear yard depth: 10 feet
- 11. Height of building: 60 feet
- 12. Minimum frontage: 200 feet
- 13. Minimum lot width: 200 feet
- 14. Minimum lot area: 1.5 acres of usable land
- 15. Ingress and Egress (Driveways) will be located at least 10 feet from any property line.
- 16. Minimum culvert size is 12” x 40’ double wall corrugated plastic pipe required.  
(if culvert is needed)
- 17. Fee for Commercial Zoning Permit \$50.00 Application Fee  
Plus \$2.00 per \$1,000 Value
- 18. Every building used for commercial purposes shall have efficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.
- 19. Adequate parking and loading/unloading spaces shall be provided as per Chapter 7 of this Resolution.

## **Industrial...I Districts Requirements Summary**

1. Minimum front yard depth 50 feet from right-of-way  
Steps and uncovered porches less than ten (10) feet in width may be erected within fifty (50) feet of the right-of- way.
2. Minimum side yard width: 10 feet
3. Minimum rear yard depth: 10 feet
4. Maximum height of building(s): 60 feet
5. Minimum lot frontage: 200 feet
6. Minimum lot width: 200 feet
7. Minimum lot area: 2 acres of usable land
8. Ingress and Egress (Driveways) will be located at least 10 feet from any property line.
9. Minimum culvert size is 12" x 40' double wall corrugated plastic pipe required.  
(if culvert is needed)
10. Fee for Industrial Zoning Permit \$100.00 Application Fee  
Plus \$2.00 per \$1,000 value
11. Every building used for Industrial purposes shall have efficient provisions for truck loading and unloading so that such activity may be conducted completely outside the streetright-of-way.
12. Adequate parking and loading/unloading spaces shall be provided as per Chapter 7 of this Resolution.