

Village of Farmersville Zoning

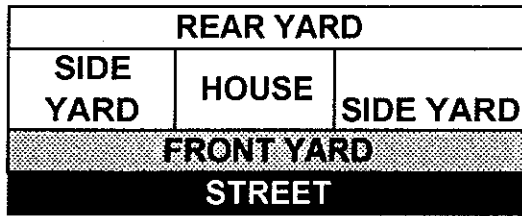


Adopted February 24, 2003

Definition of Yards

Corner and regular lots have different definitions of “front yard.” Use this representation to understand the definitions as it applies in the Village of Farmersville.

Interior Lot



Corner Lots

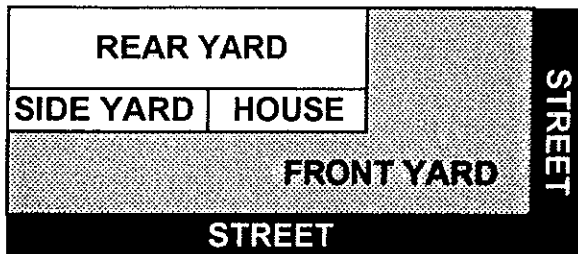
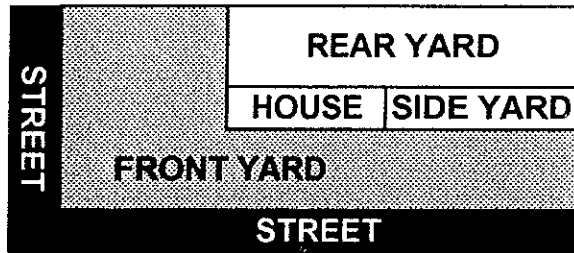


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ARTICLE I

Intent of Zoning Ordinance

- 1.1 Intent and Purpose
- 1.2 Interpretation
- 1.3 Conformance Required

1.1 Intent and Purpose

The purpose of this Zoning Ordinance is to promote the public health, safety and general welfare. This Ordinance has been formulated with due consideration among other things, to the character of each district of the Municipality and its distinctive suitability for particular uses; to the conservation of property values; to the general trend and character of building and population development; to the prevention of undue concentration of population; to the advancement of social and economic stability; to the facilitation of adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreation areas and other public facilities. It is the further purpose of the Zoning Ordinance to safeguard the public health, safety and general welfare. All pursuant to the authority granted by Chapter 713.08, et. seq. of the Ohio Revised Code.

1.2 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements for the promotion of health, public safety, convenience, comfort, prosperity, and general welfare. Where this Ordinance imposes a greater restriction upon the use of buildings or lands than is required by any other provisions of buildings or lands than is required by any other provisions of law, the provisions of this Ordinance shall govern and apply.

1.3 Conformance Required

After the enactment of this Ordinance, no land, building, structure or premises shall be used, and no building or part thereof shall be located, erected, constructed, reconstructed, extended, enlarged, altered or moved except in conformity with this Ordinance.

ARTICLE II

Zoning Districts and Boundary Maps

- 2.1 Classification of Districts
- 2.2 District Boundaries
- 2.3 Uncertainty of Boundary Location
- 2.4 Zoning Upon Annexation

2.1 Classification of Districts

For the purpose of this Zoning Ordinance, the following districts are hereby established:

- R-1 Residence District
- R-1A Residence District with predominantly low-density single dwellings
- R-2 Residence District
- R-3 Residence District
- RB-1 Residential/Business District
- C-1 Central Business District
- C-2 Central Business District
- M-1 Manufacturing District

- A) The Boundaries of the zoning districts listed in Section 2.1 are shown on the Zoning Map of the Village of Farmersville, which map is hereby made a part of this Ordinance. The said "Zoning Map" and all notations and references shown thereon shall be incorporated into and made a part of this Zoning Ordinance.
- B) The original Map is to be maintained and kept up to date on public display in the Village Hall accessible to the public, and shall be final authority as to the current zoning status of lands, buildings and other structures in the Village.

2.3 Uncertainty of Boundary Location

Whereas uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A) Where the designation of a boundary line on the Zoning Map coincides with the location of a street or alley, the centerline of such street or alley shall be the boundary of such districts.
- B) Where district boundaries do not coincide with the location of streets or alleys, but does coincide with lot lines, such lot lines shall be the boundary of such district.
- C) Boundaries of districts indicated as approximately following Village corporation limits shall be construed as following such limits.

2.4 Zoning Upon Annexation

Wherever any area is annexed to the Village, one of the following conditions will apply:

- A) Land that is zoned previous to annexation shall be classified as being in whichever district of this Zoning Ordinance that most closely conforms with the zoning that exists prior to annexation or in conformance to the Land Use Map, such classification to be recommended for an interim period, by the Board of Zoning Appeals to Council and Council shall approve same after public hearing.
- B) Land not zoned by the Village prior to annexation shall be classified in the same manner into whichever district of this Zoning Ordinance that most closely conforms with the existing use of the annexed area.
- C) In all cases, within three months after the effective date of annexation, the Board of Zoning Appeals shall recommend the appropriate permanent zoning districts for such area to Council and the Map shall be amended according to the prescribed procedure set forth in Article XIX, Amendments.

ARTICLE III

Non-Conforming Uses

3.1 Intent

3.1 Intent

- A) A non-conforming use or a non-conforming building shall not be enlarged, extended, reconstructed, substituted or structurally altered, unless the said use is changed to a use permitted in the district where the non-conforming use or building is located. Whenever a non-conforming use is discontinued for six months or more, it shall not be re-established.
- B) If a non-conforming building is damaged by fire, flood, explosion, war, riot, or an Act of God, for more than sixty (60) percent of its fair market value, it shall not be restored or reconstructed. Should the damage be less than sixty (60) percent, it may be reconstructed and used as before provided it be done within nine months from the date of the damage.
- C) Within twelve months after the enactment of this Ordinance, the Board of Zoning Appeals shall list all non-conforming uses in the Village of Farmersville, Ohio and shall transmit a certified copy of such list to the Zoning Inspector who shall notify the Owner and operator of the non-conforming use of the classification of the land and the conditions under which it can be operated.

ARTICLE IV

Lot of Record

- 4.1 Intent
- 4.2 Existing Uses

4.1 Intent

Any lot of record, by deed or plat, or any lot for which a contract of sale is in full force and effect at the time of the enactment of this Ordinance, having less area than required by this Ordinance, may be used as a building site. This exclusion is allowable only for lots that were in effect prior to the date this Zoning Ordinance was passed by the Council of the Village of Farmersville. An application for a conditional use through the Board of Zoning Appeals will be required after that date.

4.2 Existing Uses

Any use or building existing at the time of the enactment of this Ordinance may be continued even though such use, building or structure may not conform with this Ordinance. A change or discontinuance in the use of this building or structure must adhere to the requirements under Article III, Non-Conforming Uses.

ARTICLE V

R-1 Residential District

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|-----|------------------|-----|-----------------------------|
| 5.1 | Intent | 5.5 | Setback Requirements |
| 5.2 | Permitted Uses | 5.6 | Building Height Regulations |
| 5.3 | Accessory Uses | 5.7 | Accessory Parking |
| 5.4 | Conditional Uses | 5.8 | Signs |

5.1 Intent

The R-1 District is intended to reflect future residential development and to provide an environment of predominantly low-density single dwellings.

5.2 The following are permitted uses in the R-1 Residential Districts:

- A) Single family dwellings
- B) Parks, Playgrounds and community centers
- C) Golf courses, except miniature golf courses, driving tees and similar uses

5.3 Accessory Uses

The following are accessory uses in R-1 Residential District:

- A) Private garage for storage of vehicles of residents, with a minimum of 35% of yard area remaining unoccupied.
- B) Private storage sheds for the use of residents only, not to exceed 200 square feet.
- C) Swimming pools for residents and guests only, provided such pools are set back fifteen feet from all lot lines, **located to the rear of the property**, and enclosed with a fence six feet high. Outdoor hot tubs shall be secured with a cover that includes a childproof locking mechanism.
- D) **Accessory building set back from side and rear property line must be 10' feet.**
- E) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

5.4 Conditional Uses

The following uses are allowed in any R-1 Residential District, provided a Conditional Use Permit is granted by the Board of Zoning Appeals.

- A) Two family dwellings, if compatible with the surrounding dwellings or buildings.
- B) Churches and parish houses
- C) Public and private schools
- D) Museums or libraries
- E) Any other use as determined by the Board to be of the same general character as the above.
- F) Condominiums or landominiums**

5.5 Setback Requirements

Minimum Lot Area:	30,000 square feet
Minimum Lot Width:	100 feet of frontage provided public sewer and water are provided
Front Yard Required:	40 feet
Rear Yard Required:	40 feet
Side Yard Required:	20 feet both sides
Building Setback:	40 feet
Minimum Floor Space:	1,800 square feet, exclusive of basements, open porches, garages, steps, or carports

5.6 Building Height Regulations

No building shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

5.7 Accessory Parking

In the R-1 Residential District the following parking schedule shall apply:

- A) Dwellings: Two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for at minimum on (1) vehicle on the approaching apron.
- B) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply. See Article XIII.
- C) Driveways and aprons must be blacktop or cement.**

5.8 Signs

For size and location of permitted signs in a Residential District, see Article XIV.

ARTICLE VI

R-1A Residential District

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|-----|------------------|-----|-----------------------------|
| 6.1 | Intent | 6.5 | Setback Requirements |
| 6.2 | Permitted Uses | 6.6 | Building Height Regulations |
| 6.3 | Accessory Uses | 6.7 | Accessory Parking |
| 6.4 | Conditional Uses | 6.8 | Signs |

6.1 Intent

The R-1A District is intended to reflect future residential development and to provide an environment of predominantly low-density single dwellings.

6.2 Permitted Uses

The following are permitted uses in the R-1A Residential District:

- A) Single family dwellings
- B) Parks, playgrounds, and community centers
- C) Golf courses, except miniature golf courses, driving tees, and similar uses.

6.3 Accessory Uses

The following are accessory uses in R-1A Residential District:

- A) Private garage for storage of vehicles of residents, with a minimum of 35% of yard area remaining unoccupied.
- B) Private storage sheds for the use of residents only, not to exceed 200 square feet.
- C) Swimming pools for residents and guests only, provided such pools are set back fifteen feet from all lot lines, **located to the rear of the property**, and enclosed with a fence six feet high. Outdoor hot tubs shall be secured with a cover that includes a childproof locking mechanism.
- D) **Accessory building set back from side and rear property line must be 10' feet.**
- E) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

6.4 Conditional Uses

The following uses are allowed in any R-1A Residential District, provided a Conditional Use Permit is granted by the Board of Zoning Appeals.

- A) Two family dwellings, if compatible with the surrounding dwellings or buildings.
- B) Churches and parish houses.
- C) Public and private schools.
- D) Museums or libraries.
- E) Condominiums or landominiums.**
- F) Any other use as determined by the Board to be of the same general character as the above.

6.5 Setback Requirements

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 Feet of frontage provided public sewer and water are provided.
Front Yard Required:	35 feet
Rear Yard Required:	40 feet
Side Yard Required:	15 feet both sides
Building Setback:	35 feet
Minimum Floor Space;	1,800 square feet, exclusive of basement, open porches, garages, steps, or carports.

6.6 Building Height Regulations

No building shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

6.7 Accessory Parking

In the R-1A Residential District the following parking schedule shall apply:

- A) Dwellings: Two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for at minimum one (1) vehicle on the approaching apron.
- B) In the case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply. See Article XIV.
- C) **Driveway and aprons must be of blacktop or cement.**

6.8 Signs

For size and location of permitted signs in a Residential District, see Article XIV.

ARTICLE VII

R-2 Residential District

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|-----|------------------|-----|-----------------------------|
| 7.1 | Intent | 7.5 | Setback Requirements |
| 7.2 | Permitted Uses | 7.6 | Building Height Regulations |
| 7.3 | Accessory Uses | 7.7 | Accessory Parking |
| 7.4 | Conditional Uses | 7.8 | Signs |

7.1 Intent

The R-2 District is intended for the existing residential development and to provide an environment of predominantly low-density single dwellings.

7.2 Permitted Uses

The following are permitted uses in the R-2 Residential District:

- A) Single family dwellings
- B) Churches and parish houses
- C) Public and private schools, including nursery schools provided they meet state regulations
- D) Museums, libraries, parks, playgrounds and community centers
- E) Golf courses, except miniature golf courses, driving tees and similar uses

7.3 Accessory Uses

The following are accessory uses in R-2 Residential District:

- A) Private garage for storage of vehicles of residents, with a minimum of 35% of yard area remaining.
- B) Private storage sheds for the use of residents only, not to exceed 200 square feet.
- C) Swimming pools for residents and guests only, provided such pools are set back fifteen feet from all lot lines, **located to the rear of the property**, and enclosed with a fence six feet high. Outdoor hot tubs shall be secured with a cover that includes a childproof locking mechanism.
- C) The renting or leasing of rooms by a resident family, provided that the number of roomers does not exceed two in any one dwelling unit.
- E) **Accessory building set back from side and rear property lines must be 5'.**
- F) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

7.4 Conditional Uses

The following uses are allowed in any R-2 Residential District, provided a Conditional Use permit is granted by the Board of Zoning Appeals.

- A) Two family dwellings, if compatible with the surrounding dwellings or buildings.
- B) **Condominiums or landominiums.**
- C) Any other uses as determined by the Board to be of the same general character as the above.

7.5 Setback Requirements

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	80 feet of frontage provided public sewer and water are provided
Front Yard Required:	25 feet
Rear Yard Required:	40 feet
Side Yard Required:	10 feet both sides
Building Setback:	25 feet
Minimum Floor Space:	1,000 square feet, exclusive of basements, open porches, garages or steps.

7.6 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

7.7 Accessory parking

In the R-2 Residential District the following parking schedule shall apply:

- A) Dwellings: Two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for a minimum one (1) vehicle on the approaching apron. There shall be one parking space provided for each two roomers.
- B) Churches: One (1) space for each six (6) seats in the main auditorium.
- C) Schools: One (1) space for each 80 S.F. of auditorium floor space, not containing fixed seats; or one (1) parking space for each six (6) fixed seats, whichever is greater.
- D) Museums, libraries, Etc.: Ten spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- E) **Driveways and aprons must be blacktop or cement.**
- F) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply. See Article XII.

7.8 Signs

For size and location of permitted signs in a Residential District, see Article XIV.

ARTICLE VIII

R-3 Residential District

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|-----|------------------|-----|-----------------------------|
| 8.1 | Intent | 8.5 | Setback Requirements |
| 8.2 | Permitted Uses | 8.6 | Building Height Regulations |
| 8.3 | Accessory Uses | 8.7 | Accessory Parking |
| 8.4 | Conditional Uses | 8.8 | Signs |

8.1 Intent

The R-3 District is intended for the existing residential development and to provide an environment of higher-density dwellings that are single family, two-family, or multi-family.

8.2 Permitted Uses

The following are permitted uses in the R-3 Residential District:

- A) Single family dwelling
- B) Churches and parish houses
- C) Public and private schools, including nursery schools provided they meet state regulations
- D) Museums, libraries, parks, playgrounds and community centers
- E) Golf courses, except miniature golf courses, driving tees and similar uses
- F) Cemeteries as permitted by the Board
- G) Two-family or multi-family dwellings when permitted by the Board and compatible to surrounding dwellings and buildings.
- H) Any other use as determined by the Board to be of the same general character as above.

8.3 Accessory Uses

The following are accessory uses in R-3 Residential District:

- A) Private garage for storage of vehicles of residents, with a minimum of 35% of yard area remaining.
- B) Private storage sheds for the use of residents only, not to exceed 200 square feet.
- C) Swimming pools for residents and guests only, provided such pools are set back fifteen feet from all lot lines, **located to the rear of the property**, and enclosed with a fence six feet high. Outdoor hot tubs shall be secured with a cover that includes a childproof locking mechanism.
- D) The renting or leasing of rooms by a resident family, provided that the number of roomers does not exceed two in any one dwelling unit.
- E) **Accessory building set back from side and rear property lines must be 5'.**
- F) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

8.4 Conditional Uses

The following uses are allowed in any R-3 Residential District, provided a Conditional Use permit is granted by the Board of Zoning Appeals.

- A) Convalescent or nursing homes.
- B) Bed and breakfast establishment, boarding house
- C) **Condominiums or Landominimums**
- D) Any other uses as determined by the Board to be of the same general character as the above.

8.5 Setback Requirements

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	80 feet of frontage provided public sewer and water are provided
Front Yard Required:	25 feet
Rear Yard Required:	40 feet
Side Yard Required:	10 feet both sides
Building Setback:	25 feet
Minimum Floor Space:	1,000 square feet, exclusive of basements, open porches, garages or steps.

8.6 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

8.7 Accessory parking

In the R-3 Residential District the following parking schedule shall apply:

- A) Dwellings: Two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for a minimum one (1) vehicle on the approaching apron. There shall be one parking space provided for each two roomers.
- B) Churches: One (1) space for each six (6) seats in the main auditorium.
- C) Schools: One (1) space for each 80 S.F. of auditorium floor space, not containing fixed seats; or one (1) parking space for each six (6) fixed seats, whichever is greater.
- D) Museums, libraries, Etc.: Ten spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- E) **Driveways and aprons must be blacktop or cement.**
- F) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply. See Article XII.

8.8 Signs

For size and location of permitted signs in a Residential District, see Article XIV.

ARTICLE VIX

RB-1 Residential/Business District

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|-----|----------------------|-----|-----------------------------|
| 9.1 | Intent | 9.5 | Building Height Regulations |
| 9.2 | Permitted uses | 9.6 | Accessory Paring |
| 9.3 | Accessory Uses | 9.7 | Signs |
| 9.4 | Setback Requirements | | |

9.1 Intent

The RB-1 Residential/Business District is intended to accommodate existing dwellings and to provide for the existing residential area to be converted into office buildings and service establishments to encourage business growth in compatible areas of the Village.

9.2 Permitted Uses

The following are permitted uses in the RB-1 Residential/Business District:

- A) Single family dwellings
- B) Professional Offices including, doctors, dentist, lawyers, architects, engineers, insurance agencies, realtors, utility offices, etc.
- C) Post Offices
- D) Service shops, such as barber, beauty, laundry, cleaner and similar uses.
- E) Apparel shops, including specialty shops, shoe stores, and similar uses
- F) Banks, loan offices, stock exchange offices and other financial institutions
- G) Gift shops, camera shops, record shops, and similar uses
- H) Bed and breakfast establishment, boarding house
- I) **Combined Residential/Business dwellings must not fall below "Livable square footage" guidelines:**
 - a. **700-900 sq. ft. dwelling, business occupancy must not exceed 15-20%**
 - b. **901-1100 sq. ft. dwelling, business occupancy must not exceed 21-25%**
 - c. **1101-1300 sq. ft. dwelling, business occupancy must not exceed 26-35%**
- J) Any other use as determined by the Board to be of the same general character as the above.

9.3 Accessory Uses

- A) The permitted accessory structures and uses in a RB-1 District are those customarily incidental to the permitted principal uses.
- B) **Accessory building set back from side and rear property lines must be 5'.**
- C) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

9.4 Setback Requirements

Minimum Lot Area:	None Required
Front yard Required:	None required
Rear Yard Required:	40 feet
Side Yard Required:	None required unless adjoining a "R" District, in which case a ten (10) foot side yard will be required.
Building Setback:	None required

9.5 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

9.6 Accessory parking

- A) Dwellings: Two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for a minimum one (1) vehicle on the approaching apron. There shall be one parking space provided for each two roomers.
- B) **Driveway and aprons must be blacktop or cement.**
- C) In the case of any building, structure or premises, that is not a dwelling unit, parking requirements shall be in accordance with Article XIII.

9.7 Signs

For size and location of permitted signs In a RB-1 Residential/Business District, see Article XIV.

ARTICLE X

C-1 Central Business District

- | | |
|----------------------------|----------------------------------|
| 10.1 Intent | 10.5 Building Height Regulations |
| 10.2 Permitted Uses | 10.6 Accessory Parking |
| 10.3 Accessory Uses | 10.7 Signs |
| 10.4 Set back Requirements | |

10.1 Intent

The C-1 Central Business District is intended to provide for a restricted variety of retail stores and related activities and for office buildings and service establishments which occupy the prime retail frontage of the downtown business district.

10.2 Permitted Uses

The following are permitted uses in the C-1 Central Business District:

- A) Local retail businesses such as groceries, fruit and vegetable stores, meat market, drug store, shoe repair shop, clothes cleaning establishment, business and professional offices, restaurants, banks, bakeries, florists, gift shops, cafes, drive-in restaurants.
- B) Apparel shops, including specialty shops of all sorts, shoe stores, and similar uses
- C) Department Stores
- D) Furniture and appliances, including rugs, floor coverings, draperies, sewing machine shops, used furniture, office equipment, supplies and similar uses
- E) Gift shops, camera shops, record shops and similar uses
- F) Hardware and related stores such as paint, wallpaper and similar uses
- G) Professional and other offices drawing a large number of clients and/or customers such as doctors, dentists, lawyers, insurance, realtors, etc.
- H) Service shops such as barber, beauty, laundry, cleaner and similar uses
- I) Public and semi-public buildings such as churches, municipal offices, libraries
- J) Any other use as determined by the Board to be of the same general character as the above

10.3 Accessory Uses

- A) The permitted accessory structures and uses in a C-1 Central Business District are those customarily incidental to the permitted principal uses.
- B) **Accessory building set back from side and rear property lines must be 5'.**
- C) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

10.4 Setback Requirements

Minimum Lot Area:	None required
Front Yard Required:	25 feet
Rear Yard Required:	40 feet
Side Yard Required:	None required except if adjoining a residential district, in which case a ten (10) foot side yard will be required.
Building Setback:	25 feet

10.5 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

10.6 Accessory Parking

- A) See Article XIV for requirements on off-street parking and off-street loading.
- B) **Driveways and aprons must be blacktop or cement.**

10.7 Signs

For size and location of permitted signs in a C-1 Central Business District, see Article XIV.

ARTICLE XI

C-2 Central Business District

- | | |
|---------------------------|----------------------------------|
| 11.1 Intent | 11.5 Building Height Regulations |
| 11.2 Permitted Uses | 11.6 Accessory Parking |
| 11.3 Setback Requirements | 11.7 Signs |
| 11.4 Setback Requirements | |

11.2 Intent

The C-2 Central Business District is intended to provide for an integrated collection of structures and uses designed to supply a majority of the daily needs of those living in the immediate vicinity.

11.2 Permitted Uses

The following are permitted uses in the C-2 Central Business District:

- A) Auto repair, convenience stores/gasoline sales, store and lock facilities, storage garages, printing and publishing shops
- B) Drive-in establishments, including entertainment and dancing
- C) Animal hospitals, veterinary clinics, as permitted by the Board
- D) Commercial baseball fields, swimming pools, skating rinks, golf driving ranges
- E) Bowling lanes, pool hall, carpenter, sheet metal, sign printing shop, and Laundromat
- F) Hardware and related stores such as paint, wallpaper and similar uses
- G) Sale of new and used automobiles, provided service access be available from side street or alley
- H) Any other use as determined by the Board to be of the same general character as the above.

11.3 Accessory Uses

- A) The permitted accessory structures and uses in a C-2 Central Business District are those customarily incidental to the permitted principal uses.
- B) Accessory building set back from side and rear property lines must be 5'.
- C) All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.

11.4 Setback Requirements

Minimum Lot Area:	None required
Front Yard Required:	25 feet
Rear Yard Required:	None unless it abuts a residential district, then 40 feet is required.
Side Yard Required:	None required except if adjoining a residential district, in which case a fifteen (15) foot side yard will be required.
Building Setback:	25 feet

11.5 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

11.6 Accessory Parking

- A) See Article XII for requirements on off-street parking and off-street loading.
- B) **Driveway and parking lots must be blacktop or cement.**

11.7 Signs

For sign and location of permitted signs in a C-2 Central Business District, see Article XIV.

ARTICLE XII

M-1 Manufacturing District

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12.1 Intent

The M-1 Manufacturing District is intended to provide for industrial uses in areas that are suitable for industrial development by reason of location, soil conditions, and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and for the protection of adjacent residential and business activities.

12.2 Permitted Uses

The Board shall not permit the use of a lot, site, or parcel of land or any portion thereof, or any building or structure at any time, for the manufacturing, storage, distribution or sale of products which may increase the fire hazard of adjoining property, or for any use which by nature of the emission of odors, dust or noise may constitute a nuisance. The following are permitted uses in the M-1 Manufacturing District:

- A) Uses connected with manufacturing of a product or products related to the storage and distribution of materials, provided all uses within this category shall be carried on in an enclosed building or buildings and provided further that they conform with the regulations contained herein.
- B) Assembly plants, storage and warehousing facility
- C) Commercial truck, trailer, boat, farm implements, and contractor equipment sales or service
- D) Fabrication, processing, packaging and/or manufacture of food stuffs, health and beauty aids or articles of merchandise
- E) Industrial research laboratories
- F) Motor freight depot or trucking terminal provided the truck entrances and exits are onto streets whose pavement width is at least 30 feet.
- G) Public service stations, motor vehicle and bicycle repair shops, auto paint and body shops

- H) Chemical usage must be EPA approved for the area to which located.
- I) Any other use as determined by the Board to be of the same general character as the above.

12.3 Procedure for new or Expanded Use

Prior to the establishment of a new use or the extension of an existing use, the Board shall review and approve plans and specifications as filed with the Zoning Inspector in order to ascertain if proper location of buildings has been made and adequate provisions have been established for the protection of the health and general welfare of the neighborhood and the community at large. Whenever an application shall have been filed with the said inspector, a copy of same shall be immediately transmitted to the Board members and to members of Council for their consideration. The Board shall, after careful review decide to approve, approve; with modifications or disapprove the plan. In any instance, the Board shall notify the applicant and the Zoning Inspector of its action which shall then empower the Zoning Inspector to issue all the required permits.

12.4 Construction Conditions

In permitting a certain use to be established in the M-1 Manufacturing District, the Board of Zoning Appeals shall observe the following conditions in addition to others which it may impose in the protection of safety and public welfare.

- A) All types of construction must be approved by the Board and plans and specifications of the construction, installation, or alteration shall be reviewed by the Board.

12.5 Setback Requirements

Minimum Lot Area:	None required
Front Yard Required:	25 feet, unless across from a residential district and then it shall not be less than 50 feet
Rear Yard Required:	15 feet, with not less than 50 feet required when abutting a residential district and 30 feet required when next to an alley.
Side Yard Required:	15 feet, unless next to a residential district and then it shall not be less than 50 feet. Any portion of side yard in excess of 15 feet from a side property line may be used for parking.
Building Setback:	25 feet

Accessory Structure Setback:

- A) The permitted accessory structures and uses in a M-1 Business District are those customarily incidental to the permitted principal uses.**
- B) Accessory building set back from side and rear property lines must be 5'.**
- C) All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

12.6 Building Height Regulations

No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height.

12.7 Accessory Parking

- A) See Article XII for requirements on off-street parking and off-street loading.**
- B) Driveways or parking lots must be blacktop or cement.**

12.8 Signs

For size and location of permitted signs in a M-1 Manufacturing District, see Article XIV.

12.9 Conditional Use

Adult entertainment facilities and like uses shall be a conditional use of a M-1 Manufacturing District and subject to the following regulations regarding their placement and creating a buffer to other zoning districts within the Village:

- A) No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.**
- B) No adult entertainment facility shall be established within a radius of 1000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, library, or teaching facility if attended by persons under eighteen (18) years of age.**
- C) No adult entertainment facility shall be established within a radius of 500 feet of any park recreational facility, or camp attended by persons under eighteen (18) years of age.**

- D) No adult entertainment facility shall be established within a radius of 1000 feet of any other adult entertainment facility or within a radius of 500 feet of any two of the following establishments (or of any one establishment which combines to any degree any two of the following activities), whether within this municipality or any other political subdivision:
1. Establishments for sale of beer or intoxicating liquor
 2. Pawn shops
 3. Pool or billiard halls
 4. Pinball palaces, halls or arcades
 5. Dance halls or discotheques
- E) No adult entertainment facility shall be established within a radius of 1000 feet of any church, synagogue, or permanently established place of religious services which are attended by persons under eighteen (18) years of age.
- F) All building openings, entries, windows, etc. for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- G) The measure of the distances for purposes of these regulations shall be from property line to property line customary or common route or path of travel.

Definitions:

Specific words or terms as used in this Zoning Ordinance shall have the following meanings:

- A) Adult Bookstore, Adult Novelty Store, Adult Video Store: defined as an establishment from which minors are excluded, having as a substantial or significant portion of its stock (25% or more) to trade, sale or rental of the following:
1. Books, magazines, other periodicals or printed materials, photograph films, motion pictures, films, video cassettes, slides, computer media or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical area", which are distinguished or characterized by their emphasis on matter depicting describing, or relating to "specified sexual activities" or "specified anatomical areas".
 2. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 3. An establishment may have other principal business purposes that do not involve the offering for sales, rental or viewing of material depicting or describing areas, and still be categorized as adult bookstore, adult novelty

store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult book store, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration the specified materials which depict or describe "specified sexual activities" or specified anatomical areas".

- B) Adult Cabaret: defined as a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which features the following:
1. Persons who appear nude or in a state of nudity or semi-nudity;
 2. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas", or
 3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- C) Adult Drive-in Theater: defined as a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons.
- D) Adult Motel: defined as a motel, hotel or similar commercial establishment which:
1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or televisions, or
 2. Offers sleeping room for rent for a period of less than ten (10) hours; or
 3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- E) Adult Mini-Motion Picture Theater: defined as an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- F) Adult Motion Picture Theater: defined as an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- G) Mainstream Performance House: defined as a theater, concert features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description or display or the featuring of “specified anatomical areas” or “specified sexual activities” and where such depiction, if any, is only incidental to the primary purpose of any performance.
- H) Nude Model Studio: defined as any place where a person who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, similarly depicted by other persons.
- I) “Nude” or “State of Nudity” means the showing, representation, or depiction of human male or female genitals, bare buttock, anus or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered portion male genitals in a discernible turgid state.
- J) “Semi-Nude” means a state of dress in which the clothing covers no more than the genitals, pubic region, and the areola of the female breast as well as portions of the body covered by supporting straps or devices.
- K) “Specified Anatomical Area(s)” means less than completely and opaquely covered human genitals, pubic region, buttock, and the areola or nipple of the female breast; human male genitals in a discernible turgid state even if completely and opaquely covered.
- L) “Specified Sexual Activities” means human genitals in a state of sexual stimulation or arousal; acts, real or simulated of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, public region, buttock, or female breast.

Other Requirements within District

- A) Any establishment offering live dancing performances shall adhere to the following regulations:
 - 1. The dancing per performances shall be confined to a clearly defined stage or platform area that is elevated at least two (2) feet above the normal floor elevation of the establishment.
 - 2. There shall be a clearly defined and delineated three (3) foot “buffer” area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served.

3. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.
 4. All dancing or entertainment shall be confined to the stage or platform area as defined herein.
 5. At no time during the performances(s) shall the patrons of the entertainment be permitted to encroach on the afore described "buffer" zone.
 6. The entertainers and patrons are prohibited from co-mingling with or touching one another while the entertainers are on stage or platform.
- B) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- C) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public for any adult entertainment establishment.
- D) No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in a manner distracting, distasteful, and/or detrimental to adjacent business interest, residents, or passersby.
- E) All establishments shall not be contrary to the public interest or injurious to nearby properties. The establishment shall not enlarge or encourage the development of a skid row or similar depressed area.

Savings Clause

If any sentence, clause, section, or part of this Zoning Ordinance is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this ordinance. It is hereby declared to be the intention of the Council of the Village of Farmersville that this AE Zoning District would have been adopted had such unconstitutional, illegal, or invalid sentences, clause, section or part thereof not been included.

ARTICLE XIII

A-1 Agricultural District

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| 13.2 | Permitted Uses | 13.6 | Building Height Regulations |
| 13.3 | Accessory Uses | 13.7 | Accessory Parking |
| 13.4 | Conditional Uses | 13.8 | Signs |

13.1 Intent

This District is composed of certain land being used for agricultural activities, open recreational uses, and other open land uses, and is primarily located near the periphery of the urban area. Sub-marginal lands having no principal uses are also included in this District. It is the intent of this District to protect the open area from the encroachment of scattered urban type uses until such time as the area is ready for more intense development.

13.2 Permitted Uses

The following are permitted principal uses in A-1 Districts:

- A) Agricultural and gardening including animal shelters
- B) Sale of produce and plants raised on the premises
- C) Public or private recreational facilities including parks, play grounds, golf courses, boat docks, driving ranges, swimming pools, and customary accessory buildings
- D) Storage yards for materials and equipment
- E) Stables and riding academies
- F) Veterinary clinics
- G) Home occupations

13.3 Accessory Uses

The permitted accessory uses in A-1 Agricultural Districts are those customarily incidental to the permitted principal uses.

- A) **Barns, garages or other accessory buildings must be located 10' feet from the side and rear property line.**
- B) **All accessory structures must be located to the rear of the principle dwelling and not located in any part of the front yard.**

13.4 Conditional Uses

The following uses are allowed in an A-1 Agricultural District, provided a Conditional Use Permit is granted by the Board of Zoning Appeals.

- A) Amusement parks
- B) Airport landing fields
- C) Outdoor theaters
- D) Sales lots for cars, trucks, farm and construction equipment and mobile homes
- E) Rifle or skeet shooting ranges, but not within 1,000 feet of any residential district
- F) Single family dwellings
- G) Any other use as determined by the Board to be of the same general character as the above.

13.5 Setback Requirements

The following are yard and lot requirements for A-1 Agricultural Districts:

Minimum Lot Area:	Not less than five (5) acres
Minimum Lot Width:	100 feet of frontage
Front Yard Required:	40 feet
Rear Yard Required:	40 feet
Side Yard Required:	20 feet both sides
Building Setback:	40 feet
Minimum Floor Space:	1,800 square feet, exclusive of basements, open porches, garages, steps, or carports.

13.6 Building Height Regulations

In any A-1 District, no structure shall exceed two and one-half stories (2-1/2) or thirty (30) feet in height.

13.7 Accessory Parking

In the A-1 Agricultural District the following parking schedule shall apply:

- A) Dwellings: Minimum of two (2) off-street parking spaces for each family or dwelling unit. Residential garages for the use of vehicle storage in connection with a residential dwelling shall have enough parking area for at minimum one (1) vehicle on the approaching apron.
- B) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply. See Article XIV.
- C) **Driveways and aprons must be blacktop or cement.**

13.8 Signs

For size and location of permitted signs in the A-1 Agricultural District, see Article ~~XIV.~~

XVI

ARTICLE XIV

Off-Street Parking Regulations

- 14.1 General Requirements
- 14.2 Restricted Parking Lot
- 14.3 Off-Street Loading

- 14.4 Schedule of Off-Street
Parking

14.1 General Requirements

In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use and similar uses; space for parking and storage of vehicles shall be provided in accordance with those guidelines in the respective District and in accordance with the Schedule of Off-Street Parking.

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

- A) Each off-street parking space shall have an area of not less than 180 square feet unless marked for small cars.
- B) Location of off-street parking shall be provided on the premises intended to be served. Parking area shall be a minimum of 1,000 square feet.
- C) Any off-street parking area, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with an Asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be arranged orderly and marked.
- D) Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises located in "R" District.
- E) Off-street parking areas, including commercial parking lots, for more than five (5) vehicles shall be effectively screened in accordance with Section XIII, Screening, on each side, which adjoins or faces premises situated in any "R" district, or institutional premises. The space between such wall or hedge and the side lot line adjoining premises in any "R" District shall be maintained in good condition.
- F) No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back a distance of not less than twenty-five (25) feet from the established street right-of-way line for a distance of not less than fifty (50) feet measured from the "R" District boundary.

- G) All entrance and exits to and from such area shall open on or lead directly to a major thoroughfare insofar as practicable. On all corner lots, vehicular entrances and curb openings shall be set back a minimum of twenty-five (25) feet from the corner property lines or from the established right of way lines. All curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.
- H) No vehicles over 1 ton shall be parked in any residential district.

14.2 Restricted Parking Lot

The Board of Zoning Appeals may authorize the establishment of restricted parking lots subject to the following conditions and limitations in addition to those stated in Section 14.1, General Requirements.

- A) The parking lot is incidental to a business or industrial use within that Zoning District and is situated on private land with an area of not less than 7,500 square feet.
- B) An application for the establishment of a restricted parking lot shall be accompanied by the names and addresses of all property owners within 200 feet of the premises so they may be given the opportunity to be heard in connection with the consideration of such application.

14.3 Off-Street Loading

In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet and more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, manufacturing, storage, warehouse, goods display, retail store, wholesale store, laundry, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least on (1) off-street loading space, plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.

- A) Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
- B) Such space may occupy all or part of any required yard or court space.
- C) No such space shall be located closer than fifty (50) feet to any other lot in any "R" District unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

14.4 Schedule for Off-Street Parking

USE	OFF-STREET PARKING SPACES REQUIRED
Single family dwellings	Two for each dwelling unit
Double & Multiple family dwellings	Two for each dwelling unit
Hotels, motels, etc.	One per sleeping room, plus one for each employee per shift
Churches	One for each six seats in main auditorium
Schools	One space for each 80 S.F. of auditorium floor space, not containing fixed seats or one parking space for each six fixed seats, whichever is greater
Community center, Library, museum, or art gallery	Ten, plus one additional for each 300 S. F. of floor area in excess of 2,000 S.F.
Hospital	One for each two beds and employee parking
Sanitarium, convalescent home, nursing home, or similar place	One for each three beds
Mortuary or funeral home	One for each 50 S.F. of floor space in slumber rooms or parlors
Retail commercial or business	One for each 150 S.F. of floor area
Personal or professional services, restaurants, recreation halls	One for each 200 S.F. of floor area
Auto service stations	Two spaces per bay
Laundromats	One space for each two washing machines
Used or new car lots	One space for each 1,500 S.F. of lot area
Offices, appliance store, equipment sales and service	One space for each 300 S.F. of gross floor area
Manufacturing or industrial site, research and development facility, warehouse or similar use	One for each two employees on the maximum working shift, plus space to accommodate vehicles used in connection therewith
Barber shops and beauty parlors	One for each chair and one per employee

ARTICLE XV

Screening

15.1 General Requirements

15.1 General Requirements

No buildings or structures shall be erected, altered or enlarged, nor shall land be used for a non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been approved by the Board. Screening shall adhere to the following requirements:

- A) Screening shall be provided at the discretion of the Board as a visual barrier to partially or completely obstruct the view of unattractive structures, as an acoustic screen to aid in absorbing or deflecting noise or for the containment of debris and litter.
- B) Screening shall consist of one of the following or a combination of two or more:
 - 1) Solid masonry wall, 2) Solidly constructed decorative fence, 3) Louvered fence, or 4) Dense evergreen planting.
- C) When any nonresidential use abuts a residential district, a visual screening wall, fence or planting shall be erected or placed along such mutual boundary lines.
- D) Visual screening walls, fences or planting shall be at least 5 1/2 feet tall except in front yards where it shall not exceed 2 feet.
- E) Screening for the purpose of absorbing noise shall have depth of at least 10 feet or dense plantings or a solid masonry wall in combination with decorative plantings.
- F) Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage to vehicles.

ARTICLE XVI

Signs

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|---------------------------------------|---------------------------------------|
| 16.1 Purpose | 16.6 Business & Industrial |
| 16.2 Definition of Sign Types | Sign Use |
| 16.3 General Requirements | 16.7 Enforcement |
| 16.4 Signs Permitted in all Districts | 16.8 Conditional Use Permit for Signs |
| 16.5 Residential Sign Use | |

16.1 Purpose

The purpose of these sign regulations is to promote and protect the public health and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect values, create more attractive economic and business climate, enhance and protect the physical appearance, aesthetics, and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

16.2 Definition of Sign Types

- 1) Ground Sign - A sign which is supported by one or more columns, uprights, or braces in or upon the ground.
- 2) Outdoor Advertising Display and/or Billboard - Any outdoor signs, display, device, figure, painting, drawing, message placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, which advertisement is visible by persons walking or riding in a motor vehicle. All other signs as permitted by this Ordinance shall not be considered as outdoor advertising displays and/or billboards.
- 3) Projecting Sign - A sign which projects from and is supported by a wall of a building or structure and exceeds 12 inches from the wall.
- 4) Wall Sign - A sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface not more than 12 inches at all points.

16.3 General Requirements

- 1) The regulations herein set forth shall apply and govern in all districts accordingly. No sign shall be erected or maintained unless it is in compliance with the regulations for the district in which it is located. No sign shall be erected or continued in operation in any manner constituting a nuisance because of glare, focus, animation or flashing.
- 2) All signs erected, constructed or modified shall comply with yard and setback requirements of the district in which it is located.
- 3) Where illumination of signs is permitted, such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 P.M. or the end of the business day, whichever is later, when such sign is within 200 feet of any R-1 District.
- 4) All signs shall be properly maintained. The sign shall be constructed in a safe, presentable manner with sound structural material. This requirement includes the replacement of all defective parts, painting, repainting, cleaning and other acts involved in general maintenance.
- 5) Signs that no longer advertise a bona fide operation, business or product sold are not permitted. They shall be removed when the business ceases or the product is no longer available and at the expense of the owner of the building, structure, or property to which the sign is connected.
- 6) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- 7) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "drive-in", "danger" or any other words, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- 8) No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.

16.4 Signs Permitted in All Districts

The following types of signs shall be permitted all districts within the Village, according to the limits specified without obtaining a permit. All dimensions are total area figuring two-sided signs, and they all are to be well kept and maintained:

- 1) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, not exceeding 12 square feet in total area.
- 2) Signs denoting the name and address of the occupants of the premises, not exceeding two square feet in area, not exceeding one sign per home, and not internally lighted.
- 3) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies; the total area of these signs or bulletin boards shall not exceed 15 square feet in area with maximum height of six feet above grade and shall be located on the premises of such institutions not less than 10 feet from the right-of-way. Such signs may be illuminated, but only from a concealed light source.
- 4) Entrance and exit signs containing only directional information and are not over two square feet in area.
- 5) Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within one week of the completion of the event or project.
- 6) Political signs, provided such signs are not erected more than twenty-one (21) days in advance of a primary, general or special election and shall be removed within forty-eight (48) hours following election day.
- 7) Garage sale signs shall be no larger than three (3) square feet in sign area and four (4) feet tall; only two such signs shall exist in locations other than the seller's property; **and are not permitted to be posted on utility poles.** Such signs may be kept on display three (3) days or less and **must be taken down within 24 hours after sale ends.**
- 8) Government signs as for roads, parks, or similar type uses.
- 9) Existing signs which are in place or under construction at the time of adoption of this Ordinance.

Existing signs as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this Ordinance; however, replacement signs shall meet all requirements of this Ordinance.

16.5 Residential Sign Uses

Signs that pertain to principally nonresidential uses may be allowed on-site in a residential zone subject to the most restrictive requirements for that particular type of sign and as stated below. Signs within a Residential/Business District shall also adhere to these regulations. A sign Permit will be required for all signs, excepting those stated in Section 16.4.

- 1) Nonconforming business uses are permitted to have exterior advertising signs aggregating no more than twelve (12) square feet.
- 2) Non-illuminated announcement or professional ground, projecting, or wall signs are permitted, provided that such signs are limited to one (1) per business establishment, and that such signs are not more than two (2) square feet in area per side. No canopies or awnings will be permitted.
- 3) Window signs erected within a structure are allowed with a maximum of twenty-five percent (25%) or less of the area of the window being obscured by such signs.
- 4) One (1) non-illuminated sign promoting a newly-developed subdivision shall be allowed for developments of at least ten (10) dwelling units or more. This sign shall be a maximum of thirty-two (32) square feet per side consisting of no more than two sides and shall be in place no more than one year from the date the advertised subdivision was recorded. Sign shall not exceed six (6) feet in height.

16.6 Business and Industrial Sign Use

A Sign Permit obtained from the Zoning Inspector is required on all signs in Central Business and Manufacturing districts described below. The following shall be permitted for business and industrial use:

- 1) Projecting Signs: Each business or industry shall be permitted one projecting sign for each face of the building along a street. Projecting signs shall not exceed four (4) feet measured from the face of the building, nor more than twenty (20) square feet on any one face of the sign. No sign shall be within six (6) feet of any alley. Signs shall not be less than eight (8) feet in height above a Sidewalk and fifteen (15) feet in height above a driveway.
- 2) Wall signs shall not project from the building more than 12 inches and shall not extend beyond the building roof or side. Total sign area cannot exceed one (1) square foot for each lineal foot of building which faces the street, or ten (10) percent of the wall area or twenty-five (25) square feet, whichever is less. Canopy and/or awning signs count as wall signs and shall have a minimum height of eight (8) feet above the existing grade and cannot be placed within the right-of-way. In the case of a building which fronts on two or more streets, a sign may appear on each wall facing a street with the total sign area not greater than that allowable for a single front wall.
- 3) Ground Signs not more than one such sign or group of signs shall be permitted on property held in one contiguous ownership. The maximum area for each side of the sign shall not exceed thirty-two (32) square feet and be more than fifteen (15) feet in height.
- 4) Permanent window signs are permitted and limited to twenty-five percent (25%) coverage of the window they are posted in.

- 5) All signs and advertising structures in the business and industrial districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty square feet in area, they shall not be placed closer than fifty feet to an adjacent residential lot line.

16.7 Enforcement

A Sign Permit will be required for all signs excepting those stated in Section 16.4. The fee that should be accompanied with the Sign Permit Application will be \$25.00. Anyone found to be in violation of these sign regulations will be penalized as stated in Article XX, Violations and Penalties.

Nonconforming signs may be continued if they are in good order and being used prior to the date of the Zoning Ordinance, unless use is discontinued for a six month period or unless all such signs are ordered by Council to be discontinued and removed.

16.8 Conditional Use Permit for Signs

Any sign that does not clearly fit into one of the sign regulations in this section shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Zoning Appeals. This includes all signs that have flashing or pulsating illumination, animation, rotation or excess dimensions.

ARTICLE XVII

General Provisions

- | | |
|--|--|
| 17.1 Recreational Vehicles, Motorized
Water Craft & Sport Vehicles,
And Utility Trailers | 17.4 Satellite Dishes, Antennae
Towers and Similar Devices |
| 17.2 Excavations | 17.5 Fences |
| 17.3 Height Limitations | 17.6 Drive-in Service Establishments |
| | 17.7 Communication Towers
(Cellular Television, Radio Etc.) |

17.1 Recreational Vehicles, Motorized Watercraft, Motorized Sport Vehicles, and Utility Trailers.

- A) The above items may not be stored in any front yard area and must be at least 3 feet from any lot line.
- B) No more than three of the above items may be stored on the property.
- C) Utility Trailers shall be no more than 20 feet in length.
- D) The above items must be property licensed and operable.

17.2 Excavations

No excavations, quarry or earth removal for the purpose of removing gravel or other natural products shall be carried on in any district unless the same is permitted by the Board, subject to such conditions and safeguards as it may determine for the protection of the health, safety and general welfare of the people of Farmersville, Ohio. The opening of any new excavation or quarry; the removal of earth for the purpose of excavating gravel or other natural deposits; and the erection of any building or structure for the processing, treating or refining of gravel or other natural deposits, within three hundred (300) feet of any district, is hereby declared to be detrimental to the health, morals, safety and general welfare of the people of Farmersville, Ohio and shall not be permitted.

Dumping of refuse or waste matter and the burning of such in existing excavations or quarries shall be prohibited in any district unless the said use existed at the time of the enactment of this Ordinance, and in that case, the Board may establish the necessary conditions so that such process will not be detrimental to the community.

17.3 Height Limitations

Chimneys, domes, spires and necessary mechanical appurtenances may exceed district height limitations. Radio, television towers and satellite dishes may not exceed 50 feet without prior approval from the Board.

17.4 Satellite Dishes, Antennae Towers, and Similar Devices

Satellite dishes, receiving and transmission towers (excluding commercial), wind generators, and similar structures shall not be located in any front yard. All such structures shall be located a minimum of three (3) feet from any side or rear lot lines.

17.5 Fences

- A) Any fence or wall in a front yard or at the sides of a front yard may not exceed three and one-half (3 1/2) feet above the ground level.
- B) On a corner lot, no fence or wall which is an obstruction to vision and which is in excess of three (3) feet in height shall be erected or maintained within thirty (30) feet of the point of intersection of the two lot lines adjoining the two streets.
- C) No fence within the Village shall be constructed of or contain barbed wire or be electrically charged.
- D) Fences in rear yards behind structures may be built to a maximum height of six (6) feet above ground level.
- E) No fence or wall running parallel to an adjoining structure shall be closer than three (3) feet to said adjoining structure. Fences may abut existing structures in a perpendicular manner.
- F) Fences constructed as to have one side smooth and the other side with protruding materials shall be erected with the smooth side facing out toward the adjoining properties. Fences and walls shall be maintained so as not to present a public nuisance or hazard. No fence shall be constructed that prohibits maintenance of both sides of said fence.

17.6 Drive-in Service Establishment

Establishments that, by their nature, create periodic lining-up of customers in automobiles waiting to be serviced shall provide off-street areas for these waiting customers. This includes such activities as:

- A) Drive-in banks
- B) Quick auto washes
- C) Drive-in retail outlets
- F) Drive-in service and repair drop stations for such items as clothing, equipment, car repair, etc.

These establishments that can normally service their customers in three minutes or less shall provide at least five off-street waiting spaces per window. Quick auto washes and auto lubrication centers shall provide at least ten off-street waiting spaces. Where normal customer service time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

17.7 Communication Towers (Cellular, Television, Radio, Etc.)

For the purpose of this Section "Communications Tower" shall be defined as towers providing for the reception and/or broadcast and/or rebroadcast of signals servicing multiple users with cellular telephone service, pager service or other wireless communication services.

- A) Upon proper application to the Village, Towers may be permitted in the following zoning district(s), subject to the following conditions and limitations:
 - (1) Each application shall be in a form approved by the Village administrator, and shall be accompanied by a non-refundable application fee of One thousand Dollars (\$1,000).
 - (2) With the completed application form, the application shall provide construction drawings, specifications and other documents certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code, and sufficient to assure the Village that the requirements included herein will be met by the proposed plan which shows: 1) the specific placement of all facilities on the site, 2) the location of existing structures, trees, and other significant site features, 3) the type and location of plant materials used to screen the facilities, and 4) the proposed color of the facilities.
 - (3) Towers shall be located according to the following priority, with (a) being the most desirable and (d) being the least desirable:
 - (a) Publicly Owned Property (where permitted by contract)
 - (b) Property zoned for industrial use
 - (c) Property zoned for commercial use
 - (d) Property zoned for agricultural use

- (4) Towers shall be permitted as a principal use upon a lot with the maximum height of any tower less than the distance of such tower from the nearest property line. To reduce the risk of injury or property damage from falling ice, Towers shall be located at least twice their height from any building, street, bikeway or pedestal walkway. Applicants wishing to locate a communication tower in any location other than (3) (a) above shall provide clear and convincing evidence that no more desirable location is available which will satisfy the technical needs of the applicant.
- (5) The minimum setbacks and yard requirements for principal structures shall apply to any equipment shelters placed on the property and they shall not be located in any required front or side yard.
- (6) Only single-pole towers shall be permitted. Such towers shall be painted or anodized white, off-white, light blue, blue-gray or light gray. All tower finishes shall be maintained free of peeling, rusting or other unsightly coloration or condition.
- (7) Each Tower shall be designed and constructed to permit the attachment of at least one (1) additional antenna system of a type similar to the initial system. The applicant must certify by affidavit that it will permit additional users to occupy the Tower upon request, at market rental rates, subject only to the condition of electronic compatibility with the initial antenna system and with other nearby antenna systems.
- (8) The Tower and all ground-mounted equipment located at or near its base shall be enclosed by a solid wood fence not less than eight (8) feet in height, with a lockable gate.
- (9) The exterior side of the fence shall be attractively landscaped with evergreen shrubs.
- (10) "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.
- (11) The Tower shall be no higher than necessary to achieve its intended purposes.
- (12) No tower may be located, designed or operated so as to create electronic interference with any electronic equipment in the Village in existence prior to the installation of the tower.
- (13) Application for a Tower permit shall be made to the Village Zoning Inspector. The Zoning Inspector may require the applicant to execute suitable contracts, affidavits or bonds to guarantee the performance of any representation or promise made in support of an application.

- (B) Following receipt of a permit, the permittee shall be subject to the following continuing obligations:
- (1) Within thirty (30) days following permit approval and annual thereafter, the permittee shall provide continuous personal injury and property damage insurance with limits not less than \$1,000,000.00 per claimant, per occurrence, with the Village named as an additional insured. Proof of continuous maintenance of such insurance shall be submitted to the Village on at least an annual basis.
 - (2) Within ninety (90) days after approval of the installation permit, proof of a permanent right of access between the tower and a public street by easement or in fee must be provided to the Village. The Tower installation shall include a paved driveway at least ten feet in width between the public street and the gate to the fence enclosing the Tower and equipment. Fee simple purchases for the lawful erection of a Tower need not conform to the minimum lot size requirements of the Village Zoning Code, but shall not create a non-conformity for the remaining portion of any lot from which the land for the Tower was obtained.
 - (3) The applicant shall annually have the Tower structure inspected by an Ohio licensed professional engineer and furnish the engineer's report of each such inspection to the Village.
 - (4) On the first anniversary of the permit issuance, and annual thereafter; the applicant shall pay a permit renewal fee of \$300.00 to defray the Village's cost of reviewing the proofs of insurance and inspection reports, monitoring the appearance of the Tower, maintaining files and responding to citizen inquiries or problems related to the Tower.
- (C) Any discontinuance of use of the Tower facilities shall be in accordance with the following process:
- (1) All providers utilizing towers shall present a report to the Village of Farmersville notifying it of any tower facility located in the Village's jurisdiction whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village thirty (30) days prior to the cessation date. Said report shall indicate the status of dismantling or future use of the tower. If at any time the use of the facility is discontinued for one hundred eighty (180) days, the Zoning Inspector may declare the facility abandoned. The owner/operator of the facility will receive written notice from the Zoning Inspector and be instructed to either reactivate use of the facility within ninety (90) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village of Farmersville will either remove the

facility or will contract to have the facility removed and assess the owner/operator of the costs.

- (2) The Village of Farmersville must provide the Tower owner thirty (30) days notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such demolition action. The public hearing shall follow the thirty (30) day notice requirement.
- (3) After such notice has been provided and a public hearing held, if requested, the Village shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at the time, or order the demolition or order the demolition of the tower and all appurtenances. The Village may require licensee to pay for all expenses necessary to acquire or demolish the tower.

D) Enforcement and Appeal

- (1) Appeal from a refusal by the Zoning Inspector to issue a permit for construction of a Tower shall be made to the Board of Zoning Appeals. When justified by usual circumstances, the Board of Zoning Appeals shall have authority to grant variances from the strict application of the provisions if the objectives of the Section are substantially effectuated by such variance. Appeals from the decision of the Board of Zoning Appeals shall be made to the Village Council. Appeal to the Council may be made only after the above administrative appeals have been exhausted.
- (2) Any violation of this Ordinance by a permittee which continues for more than thirty (30) days shall constitute sufficient cause of an order to be issued by the Zoning Inspector requiring the removal of the Tower and its association foundation, equipment, enclosure and access paving. Any person, firm, or corporation who fails to either abide by such order or remedy the violation within sixty (60) days after actual receipt thereof shall be punishable in accordance with the Violations and Penalties Section of Zoning Ordinance #95-09.

- (3) Any Tower which remains in place following the sixty (60) day period for redemption set forth in Section D, (2) above, without full redemption of the violation having been made, is hereby declared to be a public and private nuisance. Such Tower may, at the Village's option and after notice and hearing, be removed by the Village without liability therefore, and the cost of such removal, including but not limited to demolition cost, transportation cost, disposal costs and legal fees may be recovered from the permittee by special assessment against the property, by civil action, or otherwise in accordance with Ohio law providing for recovery of the governmental cost of abatement of nuisances.
 - (4) Should any part of this Ordinance be found invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect.
- E) Any request to deviate from any of the requirements of this Ordinance shall require approval of a variance in conformance with the procedures set forth in the Village of Farmersville Zoning Ordinance.

ARTICLE XVIII

Administration and Enforcement

- 18.1 Zoning Inspector
- 18.2 Violations
- 18.3 Permits

18.1 Zoning Inspector

There is hereby established the office of Zoning Inspector. It shall be his/her duty to enforce this Ordinance according to its literal provisions. No permits or license for any use, building or purpose, shall be issued, if the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

18.2 Violations

No person shall erect, construct, alter, repair or maintain any building or structure or use of any land in violation of this Ordinance. In the event of any such violation, or threat thereof, the Village of Farmersville or the Owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

18.3 Permits

Before commencing any exterior work pertaining to the erection, construction, moving, structural alteration or addition to any building or structure within the corporate limits of the Village of Farmersville, a Zoning Permit for each separate building shall be secured from the Zoning Inspector. Before occupying a new building and premises or vacant land, before enlarging the use of any building or land or changing the use of a building or land, a Zoning Permit shall also be secured from the Zoning Inspector. Applications for a Zoning Permit shall be made with the Zoning Inspector using the proper forms. A permit fee of twenty-five (\$25.00) dollars shall be received by the Zoning Inspector before a Permit will be issued. **If work is started or completed without proper permits being obtained then all fees shall be doubled as well as a \$25.00 fine for the violation.**

ARTICLE XIX

Board of Zoning Appeals

- | | | | |
|------|------------------|------|-----------------------------|
| 19.1 | Appointment | 19.4 | Right of Petition or Appeal |
| 19.2 | Organization | 19.5 | Variance & Appeal Hearing |
| 19.3 | Power and Duties | 19.6 | Application Fees |

19.1 Appointment

A Board of Zoning Appeals of the Village of Farmersville, Ohio, is hereby created. Such Board shall consist of five (5) members, which will include the Mayor, one council member for the remainder of their term, and three citizens of the Village of Farmersville to be appointed by the Mayor for terms of six years each, except that the first commission appointed after this Ordinance is passed, the term of one of the citizens shall be four years and one for two years. All such members shall serve without compensation. Each member shall serve until a successor is appointed and qualified.

Members of the Board shall be removable for non-performance of duty, misconduct in office or other cause upon written charges having been filed with the Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

19.2 Organization

The Board shall annually elect its own officers and shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The chairman, or in absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of all proceedings that contain facts of any appeals, the section of the Zoning Ordinance considered in determining the disposition of the matter, and the vote of each question.

19.3 Power and Duties

There is hereby established a Board of Zoning Appeals which shall have the following powers and duties:

- A) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decisions of refusal made by the Zoning Inspector in carrying out the enforcement of this Ordinance.
- B) To determine if uses not specifically mentioned herein are similar to uses permitted within a district.
- C) To permit a variation in the yard requirements of any district where particular difficulties or unnecessary hardships due to an irregular shape of the lot or unusual topographic conditions exist. No variance in the strict application of this Zoning Ordinance shall be granted by the Board unless and until the applicant submits, and the Board concurs, with the following:
 - 1. Condition and circumstances: That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. Property rights: That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
 - 3. Applicant not at fault: That the special conditions and circumstances do not result from the actions of the applicant, their agents, or prior property owners.
 - 4. No special privilege: That granting the variance will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.
 - 5. Harmony with locality: That the variance requested shall not alter the essential character of the locality.

Procedure for Consideration of Petition for Variances

- 1. The Board shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
- 2. Under no circumstances shall the Board grant a variance which will allow a use which is not permitted in the district involved.
- 3. The Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. The Board shall require a bond to assure conformance to such conditions and safeguards as they may require.

4. Violation of such conditions and safeguards when such are made a part of the terms under which a variance is granted, shall cause the bond mentioned in #3 hereof to be forfeited and shall be deemed in violation of this Zoning Ordinance and punishable under Section 20.1.
 5. Prior to taking action on a request for a variance, the Board shall hold a public hearing and give notice to property owners as in Section 19.5
- D) To allow the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this Ordinance.
 - E) To interpret the zoning map in instances where the location of a district line is not clear.
 - F) To permit the extension of an existing or proposed building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district.
 - G) To determine whether any proposed or existing manufacturing plant or establishment is obnoxious or offensive, and not in accordance with the intent and purpose of this Ordinance.
 - H) Recommend zoning changes when zoning districts change by Ordinance in accordance with Section XXI, Amendments.
 - I) To hear and decide only such conditional uses that can be passed based on this Ordinance or to deny conditional uses when not in harmony with this Ordinance. The following must be submitted:
 1. A written application for a Conditional Use Permit shall be submitted indicating the section of this Zoning Ordinance under which the conditional use is sought and stating the grounds on which it is requested.
 2. A public hearing shall be held as specified in Section 19.5
 3. The board shall determine:
 - a) If it has the authority to grant a request.
 - b) That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.
 4. In granting any Conditional Use Permit, the Board may prescribe appropriate conditions and safeguards in conformity with the provisions of this Zoning Ordinance. The Board shall require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited, and shall be deemed a violation of this Zoning Ordinance and punishable under Section 20.1. A Conditional Use Permit shall expire in one year after it is issued unless actual construction has taken place or is under way except as provided elsewhere in this Zoning Ordinance.

- J) To permit the establishment of temporary stands, seasonal uses provided adequate provisions are made for the removal of said stands and uses, and provided specific periods for the operation of said uses or stands is determined at the time of the granting of the application.

19.4 Right of Petition or Appeal

Any person, property owner, tenant, or any governmental officer, department, board or bureau may apply for a conditional use permit or a variance from the strict applications of the terms of this Zoning Ordinance, or appeal a decision of the Zoning Inspector to the Board of Zoning Appeals, subject to the limitations contained in this section.

Petitions for Conditional Use Permits or variances concerning any parcel of property, portion thereof or use thereon, shall not be accepted for consideration more than once during any consecutive twelve-month period. An appeal of a ruling of the enforcing officer shall stay all proceedings unless the enforcing officer certifies that, by reason of facts pertaining to the matter in question, a stay would cause imminent peril to life and property. When such certification is made, proceedings shall not be stayed except by a restraining order granted by the Board or by the Court of Common Pleas.

19.5 Variance and Appeal Hearing

The Board of Zoning Appeals shall fix a reasonable time, date, and place of not more than forty-five (45) days for the hearing of any application, petition, or appeal. It shall cause the property in question to be posted in the Village which should include the time, date, place and purpose of the public hearing, and shall also cause notice of the hearing to be placed in at least one newspaper of general circulation in the Village at least thirty (30) days prior to the hearing. It may cause notice of the hearing to be mailed to property owners abutting or near the property in question if zoning of ten or less parcels of land will result. Written notice of the hearing will then be required to be mailed to all property owners within and contiguous to and directly across the street from the parcels in question by first class mail, at least twenty (20) days before the date of the public hearing in accordance with the Ohio Revised Code Section 713.12.

An appeal must be made within twenty (20) days after the decision of the Zoning Inspector by filing with the Zoning Inspector and the Board a Notice of Appeals specifying the grounds thereon. The Zoning Inspector shall then forward to the Board all papers constituting the record upon which the action appealed from was taken.

19.6 Application Fees

- A) Each application for a Variance or Conditional Use Permit shall be accompanied be a fee of One Hundred Eighty (\$180.00) dollars.
- B) Application fees shall not be refunded in any case.

ARTICLE XX

Violations and Penalties

20.1 Penalty Clause

20.1 Penalty Clause

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any provisions of this Ordinance, or any amendment or supplement thereto adopted by the Council of the Village of Farmersville, Ohio. Any person, firm, or corporation, violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

ARTICLE XXI

Amendments

- | | | | |
|------|---|------|--|
| 21.1 | Amendment | 21.4 | Amendment Limitation |
| 21.2 | Right of Petition | 21.5 | Notice to Ohio Department
of Transportation |
| 21.3 | Recommendations of Board of
Zoning Appeals | 21.6 | Fees |

21.1 Amendment

Council may from time to time, amend this Zoning Ordinance in the manner prescribed in the Ohio Revised Code 713.10 and 713.12.

21.2 Right of Petition

- A) A proposed amendment may be originated by Council, Board of Zoning Appeals or the Owner of the affected property. All such proposals, except those originating with the Board, shall be referred to such Board for a recommendation thereon. Council shall take no final action on any amendment until it has received and studied the recommendation of the Board.
- B) If after studying the proposed amendment the Board decides the proposal has merit, it must hold a public meeting thereon. At least thirty days prior to the hearing, notice of the time, date, place and purpose of the meeting shall be published in at least one newspaper of general circulation in the Village. If the proposed amendment would specifically affect a parcel or parcels of property, the Board shall cause such property to be posted with a notice containing the time, date, place and purpose of the hearing and cause notice of the hearing to be mailed to property owners abutting or within 200 feet of the surrounding property in question at least twenty days prior to the hearing as stated in Ohio Revised Code Section 713.12. The Board shall make a report of its findings and a recommendation to Council.

21.3 Recommendations of Board of Zoning Appeals

Before any ordinance measure, regulation, or amendments thereto, authorized by Sections 713.07 to 713.11, inclusive, of the Revised Code, may be passed the Council shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the Village. If the ordinance, measure, or regulation intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of the Village, by first class mail; at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing

list and to such other list or lists that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation.

During such thirty days, the maps, plans or copies thereof, forming part of or referred to in such ordinance, measure, or regulation and the maps, plans and reports submitted by the Board or officer shall be on file, for public examination, in the office of the Clerk of the Village. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Board or officer, shall take effect unless passed or approved by not less than three fourths of the membership of the Council. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Board or officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

21.4 Amendment Limitation

Petitions for a zoning amendment concerning any parcel of property, portion thereof or use thereon, shall not be accepted for consideration more than once during any consecutive twelve-month period.

21.5 Notice to Ohio Department of Transportation

If the proposed amendment or supplement involves a rezoning of property within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification by the Director of the Ohio Department of Transportation, or within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Board of Zoning Appeals shall give notice by certified mail to the Director of the Department of Transportation and shall not take action on the proposed amendment or supplement for a period of 120 days from the date notice is received by the Director during which period the Director shall proceed in accordance with the provisions of Ohio Revised Code 5511.01.

21.6 Fees

When a petition for amendment is filed, and before any action shall be taken as provided in this section, any person desiring such action shall be required to pay a fee of fifty dollars (\$50.00) made payable to the Village of Farmersville and under no conditions shall such sum or part thereof be refunded.

ARTICLE XXII

Construction of Language and Definitions

22.1 Construction of Language

22.2 Definitions

22.1 Construction of Language

For the purposes of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number include the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied"; the word "building" includes the word "structure", and include the words "intended", "designed" or "arranged to be used or occupied", the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

22.2 Definitions

- A) Accessory Use: An accessory use is a use or structure subordinate to the principal use of a lot or building.
- B) Alley: An alley is a public thoroughfare used as a secondary access to abutting properties.
- C) Billboard: Any sign or advertisement used as an outdoor display by painting, posting or affixing on any surface of a picture, emblem, words, figures, numerals, or lettering for the purpose of making anything known.
- D) Board: The term "Board" shall be applied only in reference to the Board of Zoning Appeals.
- E) Building: A structure having a roof, supported by columns or walls.
- F) Building Height: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- G) Cellar (basement): A story partly underground and having at least one-half of its height above the average level of the ground.
- H) Commission: The Planning Commission of the Village of Farmersville, Ohio.

- I) Court: An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- J) District: A portion of the corporate territory of Village of the Farmersville, Ohio, within which certain uniform regulations and requirements apply under the provisions of this Ordinance.
- K) Dwelling: Any house or building or portion thereof, which is occupied in whole or in part as the home, residence or sleeping place of one or more persons.
 Dwelling (one family): A detached building containing but one kitchen, designed and/or used to house not more than one family.
 Dwelling (two-family): A building occupied or constructed to be occupied by not more than two families.
 Dwelling (multiple): A building or portion thereof occupied or constructed to be occupied by more than two families.
- L) Family: One or more persons occupying premises and living as a single housekeeping unit.
- M) Garage (private): A building used for storage of private automobiles of the families resident upon the premises.
 Garage (public): A building other than a private garage, used for housing or care of automobiles or other self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for profit, hire, or sale.
- N) Junk Yard: The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials, or for dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof.
- O) Lot: A parcel of land occupied or intended to be occupied by a principal building and its accessory buildings, including all open spaces required by this Ordinance, and having frontage on a public street.
 Lot (corner): A lot situated at the junction of two or more streets.
 Lot (interior): A lot other than a corner lot.
 Lot (lines): The boundary of a lot.
- P) Nonconforming Use: A building or premises devoted to or occupied by a use that does not conform with the regulations of the district in which it is located.
- Q) Setback: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding steps and unenclosed porches. Setbacks shall be measured from the right of way established for future highway width, if existing width is not as great as the dedicated width.
- R) Shed: A freestanding structure serving for storage of possessions.

- S) Story: A portion of a building included between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, then the space between such floor and the ceiling next above it.
- Story (half): A story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story.
- T) Street: A public thoroughfare not less than fifty (50) feet in width.
- U) Structure: Anything constructed, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.
- V) Structural Alteration: Any change in the physical structure of a building or structure, in accordance with the Montgomery County Building Code.
- W) Temporary: Not permanent or long term.**
- X) Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- Y) Trailer Court: Any lot or portion of a lot upon which are located one or more trailers used as sleeping and living units for the accommodation of transient guest.
- Z) Official Thoroughfare Plan: The plan establishing official rights of way of the principal highways or streets, on file in the office of the Clerk of Council.
- AA) Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward.
- Yard (front): A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The depth of the front yard shall be considered to be the minimum distance between the building and the front lot line measured at right angles to the front line of the lot.
- Yard (rear): A yard unoccupied except by an accessory building whenever such building is permitted, extending across the full width of the lots between the rear line of the building and the rear line of the lot.
- Yard (side): A yard between the building and the side of the lot and extending from the street line to the rear yard.

VILLAGE OF FARMERSVILLE
APPLICATION FOR SIGN PERMIT

Application for (please check all that apply):

☐ Ground Sign
Wall Sign

☐ Projecting Sign
☐ Other: _____

Owners Name: _____ Phone No. _____

Owners Address: _____

Location of Proposed Sign: _____

Lot No.: _____ Current Zoning: _____ Estimated Cost: _____

Present Use of Premises: _____

Describe Project: ☐ New ☐ Addition ☐ Alteration

Explain: _____

Building Set back Line: _____ ft. Lot Coverage Including Project: _____

Yard Depths: Front: _____ ft. Rear: _____ ft. Each Side: _____ ft. _____ ft.

Sign Contractor (if applicable): _____

Address: _____ Phone No.: _____

I hereby agree that construction of any sign that has been approved through this Sign Permit Application will be erected in accordance with the applicable Article of the Zoning Ordinance. I understand that it is my responsibility to maintain the sign and it shall be removed at my expense, if the business ceases or the product being advertised is no longer available. A Permit fee of \$25.00 in accordance with the Zoning Ordinance must accompany this application in order for processing to begin.

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY: APPLICATION NO.: _____ PERMIT NO.: _____
FEE SUBMITTED: \$ _____ CHECK NO.: _____

SIGN PERMIT APPROVED: YES: _____ NO: _____ IF NO, GIVE DETAILS: _____

SIGNATURE OF ZONING INSPECTOR: _____ DATE: _____

APPLICATION FOR ZONING PERMIT

Application for (please check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Change of Land or Building Use | <input type="checkbox"/> Building Addition |
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Other: _____ |

Owners Name: _____ Phone No. _____

Owners Address: _____

Location of Proposed Work: _____

Lot No.: _____ Current Zoning: _____ Estimated Cost: _____

Present Use of Premises: _____

Describe Project: ☐ New ☐ Addition ☐ Alteration ☐ Change of Use

Explain: _____

Building Set back Line: _____ ft. Lot Coverage Including Project: _____

Yard Depths: Front: _____ ft. Rear: _____ ft. Each Side: _____ ft. _____ ft.

Contractor (if applicable): _____

Address: _____ Phone No.: _____

I am aware that if this is a PUBLIC BUILDING, a state permit is required. If the proposed building is in the Manufacturing District, construction plans and specifications must be submitted. I hereby agree that any construction contrary to this application and/or Zoning Ordinance will be correct at my expense. Project must be started within (6) months or this permit will expire. A Permit fee of \$25.00 in accordance with the Zoning Ordinance must accompany this application in order for processing to begin.

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY: APPLICATION NO.: _____ PERMIT NO.: _____
FEE SUBMITTED: \$ _____ CHECK NO.: _____

ZONING PERMIT APPROVED: YES: _____ NO: _____ IF NO, GIVE DETAILS: _____

SIGNATURE OF ZONING INSPECTOR: _____ DATE: _____

**VILLAGE OF FARMERSVILLE
APPLICATION TO ZONING BOARD OF APPEALS**

FICE USE ONLY:

Application No.: _____

Permit No.: _____

Fee Submitted: \$ _____

Check No.: _____

Date of Notice to Interested Parties: _____

Date of Notice in Newspaper: _____

Date of Public Hearing: _____

Decision of Board of Zoning Appeals: Approved: _____ Denied: _____

Approved the following conditions and safeguards were prescribed:

Denied for the following reason:

Member, BZA

Member, BZA

Member, BZA

Member, BZA

Chairperson, BZA

Date: _____

VILLAGE OF FARMERSVILLE
APPLICATION FOR ZONING AMENDMENT

Application No. _____

The undersigned owner(s) of the following legally described property hereby request the consideration of change in zoning district as specified below:

1. Name of Applicant: _____ Phone No.: _____

Mailing Address: _____

2. Location Description: Subdivision Name: _____

Street Address: _____ Lot No. _____

(IF NOT LOCATED IN PLATTED SUBDIVISION, ATTACH A LEGAL DESCRIPTION)

3. Existing Use: _____

Proposed Use: _____

4. Present Zoning District Proposed Zoning District: _____

5. Supporting Information: Attach the following items to this application:

- A. A vicinity map showing property lines, streets, and existing and proposed zoning.
- B. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
- C. A statement of how the proposed rezoning relates to the Land Use Plan.
- D. Fee of \$50.00 as established in Zoning Ordinance Article XXI, Amendments, Section 19.6.

I certify that the information contained in this application and its supplements (if any) are true and correct. The filing fee must accompany this application in order for processing to begin.

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY:

Application No.: _____ Permit No.: _____

Fee Submitted: \$ _____ Check No.: _____

Zoning Permit Approved: Yes: _____ No: _____ If no, give details: _____

Signature of Zoning Inspector: _____ Date: _____

INFORMATION ON PROCEDURES TO DO A ZONING CASE

Applicant comes in and we review what they want to do (lot split/variance etc)

After reviewing, then fill out application and applicants applies with all information pertinent to the case.

Review plot plan going to site, some measuring and taking pictures

Sometimes have to re-create a plot plan

Go on-line to Records office and get copy of deed, Auditors office check on plat and current tax information.

Review sections of zoning ordinance to see if apply and what is acceptable.

Writing Public Notice to sent to newspaper and then send to adjoining/surrounding neighbors within 300 ft of proposed property,

After all information compiled and review write staff report of all information and findings according to sections of zoning ordinance.

Do agenda, make copies of agenda and staff reports and all pertinent information and mail to all BZA members along with memo of hearing date and summery.

Hold public hearing.

After public hearing type up minutes and Zoning Certificate and findings

PROCEDURE FOR OBTAINING A ZONING CERTIFICATE FOR NEW SINGLE FAMILY OR LARGER ACCESSORY STRUCTURE

Review with applicant see if what they are wanting to do complies with our zoning at present.

Give applicant application and request, plot plan, copy of deed and other pertinent information to obtain permit

After applicants give information you need to follow up on information submitted, some times get copy of legal description to property and tax information

Site evaluation, making sure were they are wanting to locate structure complies with zoning and their plot plan they submitted.

Check Zoning Ordinance make sure complies and then type up permit and make copies for permit packet.

SHED OR SMALL ACCESSORY STRUCTURE

Just review application and plot plan. Being this is really considered a temporary structure (due to being able to move if need be) you just need to type up permit and make copies for zoning packet.

SPECIAL NOTE: After attending the October WRCG meeting of Zoning Administrator, we found out from Maury Wykoff head of the building department at Montgomery County. After January 1, 2005 they will no long require single story structure under 200 square feet to get building permit, which means no issuance of Zoning Permits required either.