

ORDINANCE NO. 19-97

AN ORDINANCE TO PROVIDE FOR THE COMPREHENSIVE ZONING OF THE VILLAGE OF WESTON, WOOD COUNTY, OHIO; ESTABLISH THE USE DISTRICTS, HEIGHTS AND AREA REGULATIONS; CONTROL NONCONFORMING USES; PROVIDE FOR OFF-STREET PARKING; ESTABLISH A PLANNING COMMISSION; PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; ESTABLISH A ZONING DISTRICT MAP; ESTABLISH PROCEDURES FOR AMENDMENT THERETO; AND TO REPEAL EXISTING ZONING ORDINANCES AND RESOLUTION TO THE VILLAGE OF WESTON.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WESTON, COUNTY OF WOOD AND STATE OF OHIO, A MAJORITY OF ALL THE MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. GENERAL GUIDELINES

1. This ordinance shall be known as the Zoning Ordinances of the Village of Weston, Ohio.
2. This ordinance shall consist of the text hereof, together with that certain map marked and designated the map of the zoning ordinance of the Village of Weston, Ohio, and identified by the approving signatures of the Mayor and Village Clerk.
3. It is the purpose of this ordinance to promote the public health, safety, morals, comfort and general welfare, to prevent over-crowding, to conserve the values of property, and to lessen and avoid congestion in the public streets and highways.

SECTION 2. SCOPE OF REGULATIONS

Except as provided by this ordinance, and except after obtaining a written permit from the enforcing officers, it shall hereafter be unlawful in Weston, Ohio:

1. To erect any new building or structure or to relocate, enlarge or substantially alter any existing building or structure.
2. To establish, expand, change or re-establish any non-conforming use of a building, structure or land.
3. To reduce the open structure or plot area required for a building, structure, industrialized unit, tent or parking space, or to include any part of such open space or plot area as that required for an adjoining building or structure.
4. To provide or connect onto a water supply or sewage disposal facility.

SECTION 3. DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular number include the plural. Words in the plural number include the singular. The word "shall" is mandatory and not directory.

(Agricultural Animals)

Animals normally associated with agriculture, including, but not limited to cattle, goats, horses, poultry, rabbits, sheep, and swine. These are not permitted in residentially zoned areas unless in compliance with Section 5.02 herein.

(Alley)

A public thoroughfare which affords only a secondary means of access to abutting property.

(Apartment house)

See multiple building.

(Basement)

A story partly below ground level.

(Boarding house)

A building other than a hotel or motel where lodging and meals for five or more persons not members of the same family are served for compensation.

(Building)

A structure designed or intended for the support, enclosure, shelter or protection of persons, animals or other property. When such structure is completely divided into parts by unpierced walls extending from the ground up, each part shall be termed as separate building.

(Family)

Any number of individuals occupying the premises and living as a single housekeeping unit, but it shall not include more than three individuals not related by blood, marriage or adoption. It is distinguished from a group occupying a boarding house, club, fraternity or hotel.

(Family Care Home)

A home licensed by the State of Ohio, its agencies or officers which provides residential services and supervision for six (6) or fewer individuals who need not be related to the resident houseparents or supervisors, and who are developmentally disabled, mentally retarded, mentally ill, aged, handicapped, or children in need of adult supervision.

(Group Home)

A home licensed by the State of Ohio, its agencies or officers which provides residential services and supervision for more than four (4) but less than eight (8) individuals who need not be related to the resident houseparents or supervisors, and who are developmentally disabled, mentally retarded, mentally ill, aged, handicapped, or children in need of adult supervision.

(Curb level)

The mean level of the established curb in front of the building.

(Dwelling)

A building used or designed for the use as a residence, but not to include housetrailers, modular homes or mobile homes.

(Dwelling unit)

A living accommodation designed to provide cooking, eating and sleeping facilities for no more than one family.

(Garage)

A building or any portion thereof designed for storage or repair of motor vehicles but not for commercial repair purposes.

(Height of building)

The vertical distance from the established sidewalk grade at the center of the front of the building,

to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs; for building set-back from the street line, "height of building" may be measured from the average elevation of the finished grade along the front of the building.

(Home occupation)

An occupation for the gain or support, such as millinery, dressmaking, hairdressing, upholstering, or repairing, conducted only by members of one family within its place of residence, provided that there is no display of goods visible from the street, and that no articles are sold or offered for sale except such as produced by the household by members of the immediate family, and provided that such occupation does not occupy more than one-third of the area of the residence.

(Hotel)

See motel.

(Housetrailer)

See manufactured housing.

(Industrialized unit)

Commercial single family housing. Factory built housing whose plans have been submitted to the State of Ohio for approval and certification. They require a sticker or letter of acceptance from the State of Ohio Industrialized Housing Unit Division.

(Institutional Care Facility)

A facility licensed by the State of Ohio, its agencies or officers which provides residential services and supervisions of more than ten (10) individuals who are developmentally disabled, mentally retarded, mentally ill, aged, handicapped, or children in need of adult supervision.

(Lodging house)

A building other than a hotel where lodging for five or more persons is provided for compensation.

(Lot)

A piece or parcel of land occupied or to be occupied by one building and its accessory building, including the open spaces required under this ordinance.

(Corner lot)

A lot abutting on two or more streets at their intersection, provided the angle at which the streets intersect does not exceed 135 degrees. A portion of a corner lot distance more than one hundred feet from the corner shall be treated as an interior lot.

(Interior lot)

A lot the side lines of which do not abut on any street.

(Lot lines)

The lines bounding a lot as defined herein.

(Manufactured homes)

A mobile home, modular unit, trailer or travel trailer shall mean any vehicle or similar portable structure originally manufactured for transportation on its own wheels and axles and shall include all such structures whether the wheels or axels have been removed and whether the structure is located on a permanent foundation. It shall include any vehicle for which a mobile home certificate of title or manufacturer's certificate of title has ever been issued.

(Manufactured /Mobile/ home park)

An area designed to accommodate twelve or more manufactured homes.

(Motel and hotel)

A building occupied primarily to provide transient lodging in which there are more than five rooms normally occupied and which do not provide the individual cooking facilities for each family or individual unit.

(Multiple dwelling)

A building or portion thereof designed for or occupied as the home of three or more families or households living independently of each other, including tenement houses, apartment houses, or apartment hotels.

(Non-conforming use)

A use of a building or land that does not agree with the regulations of the use district in which it is located.

(Off street parking space)

Space provided off of the public street having an area of not less than 200 square feet exclusive of access drives or aisles, except in the case of dwellings, no parking area shall be less than 1,000 square feet.

(Permanent Accessory Building)

Any building or structure in which activities are carried out which are accessory to or supportive of those activities in the primary structure. A permanent accessory building may not contain other primary activities carried out in the primary structure itself. The term permanent accessory building is meant to include structures which are constructed for permanent existence on the lot and not for temporary use and storage. This term would include the common definition of the word shed.

(Set-back)

The minimum horizontal distance between the property line bordering a street or public right of way and the front line of any building or projection thereof, excluding steps and unenclosed porches, which do not extend more than ten feet beyond the front wall of a building. The set back on a corner lot shall be measured from the property line on the street which the building faces and on which it is addressed.

(Story)

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

(Half-story)

A half-story is a story which is situated under a sloping roof, the floor area which does not exceed one-half of the floor area of the floor immediately below it and which does not contain an independent apartment. A half-story shall not be counted as a story for the purpose of determining yard dimensions.

(Street)

A paved road dedicated to public use.

(Structure)

Anything constructed or erected, the use of which requires a more or less permanent location on the ground or anything attached to something having a more or less permanent location on the ground.

(Structural alterations)

Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, footers or foundations.

(Travel trailer)

See manufactured homes.

(Temporary Accessory Building)

Any building or structures in which activities are carried out which are accessory to or supportive of those activities in the primary structure. A temporary accessory building may not contain other primary activities carried out in the primary structure itself. The term temporary accessory building is meant to include structures that are not constructed in a manner for permanent existence on the lot and for temporary use and storage. This term is intended to include temporary parking structures and movable storage units.

(Yard)

Rear: A space extending from the rear of the closest building to the back lot line.

Side: A yard between the building and the side line of the lot and extending from the street line to the rear yard.

In case of irregularly shaped lots, the mean depth shall be taken.

Any words not herein defined shall be construed in their general accepted sense.

#### SECTION 4. GENERAL REGULATIONS

In order to regulate the district location of trades and industries and the location of buildings erected or altered for the specified uses, the Village of Weston is hereby divided into "Zoning Districts" of which there shall be six known as:

"R1" RESIDENTIAL DISTRICT

"R2" RESIDENTIAL MULTIPLE HOUSING DISTRICT

"M" MANUFACTURED (MOBILE) HOME DISTRICT

"C" COMMERCIAL DISTRICT

"I-1" LIGHT INDUSTRIAL/MANUFACTURING DISTRICT

"I-2" HEAVY OR GENERAL INDUSTRIAL/MANUFACTURING DISTRICT

The boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance, and being designed as the "Zoning Map" and said map and all notations, references and other things shown hereon shall be as much as part of this ordinance as if the matters and things set forth by said map were fully described herein.

No building shall hereafter be erected or substantially altered for any other purpose than that permitted in the zoning district in which such building or premises is located, except where a variance has been granted as provided in this ordinance.

When uncertainty exists with respect to boundaries of the various districts as described herein or as indicated on the Zoning Map, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or boundary lines of sections, quarter sections, tracts, subdivisions, lots or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to a paralleling a street or highway, the depth of such strip shall be two hundred feet measured at right angles from the street or highway line and the length of frontage shall be the entire tract of land along such highway, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may extend to the entire lot, but no more than 25 feet beyond the boundary line of the district.

## SECTION 5. ZONING DISTRICTS

### A. "R1" RESIDENTIAL DISTRICT

The following uses are permitted in "R1" Residential District:

1. Dwellings for one or two families.
2. Churches, schools, libraries and art galleries.
3. Municipal community buildings.
4. Vacant property may be used for gardening, fruit farming and raising crops, but no livestock shall be permitted in this zone.
5. Accessory building, and uses customarily incident to the above uses when located on the same lot or tract of land, and when not involving the conduct of a business or industry, except a home occupation.
6. Professional office of a physician, surgeon, dentist, artist, attorney, or similar vocation when a part of the residence is occupied by such practitioner.
7. Advertising signs, posters and billboards shall not exceed a total of eight square feet per dwelling.

No person shall occupy or dwell in a manufactured home in an "R1" Residential District. Only Industrialized Units approved by the State of Ohio will be allowed.

Area required:

Floor area: Dwellings shall contain not less than 550 square feet of floor area for each one bedroom dwelling unit and not less than 650 square feet of floor area for each two bedroom dwelling unit. In two family dwellings, these minimum areas shall apply to each dwelling unit.

Lot area: In the "R1" Residential District, every building erected or substantially altered shall be on a lot of not less than 5,000 square feet, and the total area of building

shall not exceed 25% of the lot area. Only one main building per lot shall be constructed.

Parking area: Two off-street parking spaces shall be provided for each single family dwelling, and three off-street parking spaces shall be provided for each two family dwelling.

Churches shall provide one off-street parking space for each eight seats in the main auditorium or three for each classroom, whichever is greater.

All uses not herein specified for parking spaces shall be determined by the Planning Commission at the time application for a permit is made.

Front yard: There shall be a front yard with a depth of forty feet and in established residential districts, the building line shall conform to the immediately adjoining properties, provided, however, that if the building lines of adjoining properties vary, the building line of any building hereafter shall conform to the line of the immediate adjoining property having the greatest set back.

Side yards: In "R1" Residential District, the side yards shall have a width of ten feet.

Back yards: In "R1" Residential District, the back yards shall have a depth of five feet, except on an alley, and on an alley shall have a depth of fifteen feet.

#### B. "R2" RESIDENTIAL MULTIPLE HOUSING DISTRICT

The following uses are permitted in "R2" Residential Multiple Housing District:

1. Any use permitted in an "R1" Residential District.
2. Multiple family dwellings.
3. Hospitals, nursing homes, rest homes, clinics, sanitariums, golf courses and athletic fields.
4. Churches, schools, colleges, clubs, lodges, community buildings, golf courses, athletic fields, playgrounds, hospitals, clinics and sanitariums may display a sign or bulletin board not exceeding forty square feet for the purpose of showing the activities and services therein provided.
5. Posters, signs, or billboards may be displayed, provided they are not larger than eight square feet per building.

No person shall occupy or dwell in a manufactured home in the "R2" Residential Multiple Housing District. Only Industrialized Units approved by the State of Ohio will be allowed.

Area required:

Floor area: Dwellings shall contain not less than 550 square feet of floor area for each one bedroom dwelling unit and not less than 650 square feet of floor area for each two bedroom dwelling unit. In two family and multiple family dwellings, these minimums shall apply to each dwelling unit.

Lot area: In the "R2" Residential Multiple Housing District, every building erected or substantially altered shall be on a lot of not less than 5,000 square feet, and the total area of building shall not exceed 25% of the lot area.

Parking area: Two off-street parking spaces shall be provided for each single family dwelling, and three off-street parking spaces shall be provided for each two family dwelling, and one an one-half parking spaces shall be provided for each apartment in each multiple family dwelling.

Hospitals, nursing homes, rest homes and sanitariums hall have one off street parking space for each three beds.

Golf courses and athletic fields shall have one off-street parking space for each five members or one for each five seats or bench seating spaces.

Churches shall provide one off-street parking space for each five seats in the main auditorium, or three for each classroom, whichever is greater.

All uses not herein specified for parking space shall be determined by the Planning Commission at the time application for a permit is made.

Front yard: There shall be a front yard with a depth of 25 feet and in established residential districts, the building line shall conform to the immediately adjoining properties; provided, however, that if the building lines of adjoining properties vary, the building line of any building hereafter shall conform to the line of the immediate adjoining property having the greatest set back.

Side yards: In "R2" Residential Multiple Housing District, the side yard shall have the width of ten feet.

Back yards: In "R2" Residential Multiple Housing District, the back yards shall have a depth of five feet, except on an alley, and on an alley shall have a depth of fifteen feet.

### C. "M" MANUFACTURED (MOBILE) HOME DISTRICT

The following uses are permitted in "M" Manufactured (Mobile) Home District:

1. Individual manufactured homes, not more than two per lot.
2. Manufactured home park.
3. Retail stores and shops designed to serve primarily a manufactured home park such as grocery, meat market, bakery, laundry, drug store, barber shop or beauty shop.

Area required:

Lot area: A single lot shall consist of not less than 5,000 square feet. Up to two manufactured homes may be located on a single lot. Total area of manufactured homes shall not exceed 25% of the lot area.

In manufactured home parks, the area requirements and the space requirements shall be the same as required by Ohio Revised Code Statue, Chapter 3733 and regulations established under it.

Manufactured parks shall be built in accordance with Ohio Revised Code Chapter 3733 and regulations established under it.



Where one or two manufactured homes are located in a single lot, there shall be a front yard with a depth of 40 feet. Side yards shall have a width of ten feet. Back yards shall have a depth of five feet, except on an alley, and on an alley shall have a depth of fifteen feet.

Where a manufactured home park borders an "R1" Residential District or an "R2" Residential Multiple Housing District, the set back of all manufactured homes from the lot line bordering the "R1" or "R2" District shall be at least 25 feet. A screening line of shrubbery and trees shall be planted between the lot line and the edge of the set back. If no such screening shrubbery is used, the minimum setback shall be 50 feet.

All streets constructed in Manufactured Home Parks shall comply with the minimum standards for public streets in the Village of Weston.

Parking Area: Two off-street parking spaces shall be provided for each manufactured home.

All retail business establishments shall provide one off-street parking space for each 200 square feet of gross floor area.

#### D. "C" COMMERCIAL DISTRICT

The following uses are permitted in "C" Commercial District:

1. Any uses permitted in "R2" Residential Multiple Housing District, provided that any such residential unit shall be located only on the second (2<sup>nd</sup>) or higher floor. As an exception to general nonconformities provisions (SECTION 7 PARAGRAPH 3 herein, as applies to "C" COMMERCIAL DISTRICT), if any nonconforming uses of the lands in this provision are discontinued or abandoned for more six (6) months (except when government action impedes access to the premises), any subsequent use of such lands shall conform to the regulations specified herein.
2. Retail stores and shops such as grocery, meat market, bakery, hardware, furniture store, electric appliance store, plumbing and heating shop, drug store, laundry, automobile sales office, garage and service station, barber shop, beauty shop, shoe repair shop, feed and poultry store, frozen food processing and storage lockers.
3. Hotels, motels, theaters, restaurants, bars and nightclubs and bus stations.
4. Banks, business offices, newspapers and printing shops, telephone exchanges and animal hospitals.
5. Music, dancing, trade or technical schools.
6. Recreation rooms, such as bowling alleys, pool halls and skating rinks.
7. Nurseries, greenhouses, mortuaries and cemeteries.

No person shall occupy or dwell in a manufactured home in "C" Commercial District. Only Industrialized Units approved by the State of Ohio will be allowed.

Set back: In the "C" Commercial District, the back yards shall have a depth of at least fifteen feet.

Parking requirements: Two off-street parking spaces shall be provided for each single family dwelling. Three off-street parking spaces shall be provided for each two family dwelling. One and one-half parking spaces shall be provided for each apartment in each multiple family dwelling.

Hospitals, nursing homes, rest homes and sanitariums shall have one off-street parking space for each three beds.

Golf courses and athletic fields shall have one off-street parking space for each five members or one for each five seats or bench seating spaces.

Churches shall provide one off-street parking space for each five seats in the main auditorium.

Schools shall provide on off-street parking space for each eight seats in the main auditorium, or three for each classroom, whichever is greater.

Mortuaries shall provide one off-street parking space for each fifty square feet floor space in parlors or individual funeral service rooms.

All offices shall provide one off-street parking space for each employee plus additional spaces for customers.

All retail business establishments shall provide one off-street parking space for each 200 square feet of gross floor area.

All uses not herein specified for parking spaces shall be determined by the Planning Commission at the time application for a permit is made.

## E. "I-1" LIGHT INDUSTRIAL/MANUFACTURING DISTRICT

### 1. Purpose

This District permits manufacture, assembly, storage or transfer activities whose nature of operation produces a minimum of noise, odor, dust and smoke. It must be conducted entirely within enclosed substantially constructed structures involving the use of only light machinery and equipment and may not use the open area about the building for storage of materials or equipment other than for unloading or loading operations.

### 2. Permitted Uses

A building or lot within the I-1 District may be used only for the following purposes:

1. Printing and publishing
2. Grain Elevators/Storage
3. Warehousing
4. Public Services Facilities
5. Research Laboratories
6. Self Service Storage Facilities
7. Metal Stamping
8. Machine Shops
9. Building Materials & Supplies Storage

10. Food Processing, including but not limited to: bakery, dairy products, vegetables and fruit, soft drinks and confections
11. Fabrication, including but not limited to: glass, wood and plastics, pharmaceuticals and textiles
12. Recycling, including but not limited to: aluminum cans, paper, glass, and plastics
13. Assembly of small household appliances, electronic components, scientific instruments, computers, copiers, and other office machine
14. Manufacture of jewelry, musical instruments and sporting goods.
15. Agriculture uses except the breeding, maintenance or slaughtering of livestock.

No person shall occupy or dwell in a manufactured home in "I-1" Light Industrial/Manufacturing District. Only Industrialized Units approved by the State of Ohio will be allowed.

The percentage of lot coverage with buildings shall not exceed 50%.

There shall be a front yard with a depth of fifty feet. Side yards shall have a width of fifty feet. Back yards shall have a depth of fifty feet.

Where an Industrial/Manufacturing District borders on an "R1" Residential District or an "R2" Residential Multiple Housing District, the set back along the abutting line shall be 100 feet unless a screening line of trees and shrubbery is planted and maintained in the first fifty feet adjacent to the lot line, in which case the setback line shall be fifty feet.

Parking area: One off-street parking space shall be provided for each one and one-half employees on a maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, and space for visitors and customers.

## F. "I-2" HEAVY OR GENERAL INDUSTRIAL/MANUFACTURING DISTRICT.

### 1. Purpose

The purpose of this District is to provide for the development of industries which require large parcels for segregation from residential and commercial districts and which are not suitable for I-1 districts due to noise, odor, smoke or storage requirements inherent in the operation.

### 2. Permitted Uses

Buildings or lots within I-2 Districts shall include but not be limited to the following:

1. Smelting and primary metal processing
2. Extracting industries
3. Metal Salvage and fabrication
4. Motor vehicle salvage and related operations
5. Manufacture of large household appliances and furniture
6. Chemical plants and storage facilities
7. Refining

8. Slaughter and/or processing of animals, or animal parts for food, fertilizer or other purposes including the tanning and production of leather goods and furs
9. Truck transport terminals
10. Manufacturing, sales and storage of building materials
11. Public Service Facilities and Utilities
12. Manufacture of lumber and wood products
13. Manufacture of assembly of heavy machinery, motor vehicles, boats, campers, mobile homes, and recreational vehicles whether self propelled or not.
14. Production of glass, plastics or non ferris metals
15. Stamping, Tool and dye, and machine shops
16. Agricultural uses except the breeding or maintenance of livestock other than the temporary holding of livestock in a slaughterhouse,
17. Any use allowed in I-1

No person shall occupy or dwell in a manufactured home in "I-2" Heavy or General Industrial/Manufacturing District. Only Industrialized Units approved by the State of Ohio will be allowed.

The percentage of lot coverage with buildings shall not exceed 50%.

There shall be a front yard with a depth of fifty feet. Side yards shall have a width of fifty feet. Back yards shall have a depth of fifty feet.

Where an Industrial/Manufacturing District borders on an "R1" Residential District or an "R2" Residential Multiple Housing District, the set back along the abutting line shall be 100 feet unless a screening line of trees and shrubbery is planted and maintained in the first fifty feet adjacent to the lot line, in which case the set back line shall be fifty feet.

Parking area: One off-street parking space shall be provided for each one and one-half employees in a maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, and space for visitors or customers.

#### SECTION 5.01. FENCING (RESIDENTAL DISTRICTS)

1. As of May 21, 2018, property owners must obtain a \$10.00 Fencing Permit from the Village of Weston when erecting a new permanent fence and/or change of configuration by following the procedure laid out in Section 9 of the Zoning Ordinance.
2. Permanent fences shall be placed no closer than six (6) inches from the property line unless by written mutual consent, which must accompany the fence permit, of the adjacent property owners.
3. No fence shall contain barbed wire, electric current or charge of electricity unless required by state or federal statutes.
4. No fence, natural or otherwise, of greater than two feet in height, shall be erected or maintained on corner lots within the triangle, two sides of which shall commence at the corner of the corner of the right of way of the intersecting streets "corner lot" and extend twenty five (25) feet away from the corner along each lot line, and extend diagonally from the 25-foot point on one lot line to the 25-foot point on the other lot line.

5. Any fence in the front yard shall be no greater in height than four (4) feet, measured from the surface of the ground; at least one (1) foot off the public right-of-way; and not materially impede vision from driveways or street corners.
6. Any fence in the side yard setback shall be no greater in height than four (4) feet, measured from the surface of the ground, from the front lot line to the front of the primary structure on the lot, and not greater in height than six (6) feet, measured from the surface of the ground, from the front of the primary structure to the rear lot line.
7. Any fence in the rear yard setback shall be no greater in height than eight (8) feet, measured from the surface of the ground.

SECTION 5.02. ANIMALS IN RESIDENTIAL AREAS

1. Animals for 4H projects may be permitted in residentially zoned areas if previously approved by Weston Council. These requests must be put in writing and include the signature of an appropriate 4H advisor or official. Type, size, sound, odor, and space needs of such proposed animals will be taken into consideration.
2. **As an exception, Chickens** may be kept in residentially zoned areas (R-1 and R-2) when owners exercise good judgment, and abide by all of the following:
  - a. Effective immediately, property owners must obtain a permit from the Village as a means of registration for the Village Zoning Official. This permit shall be charged at a rate of \$15.00 and must be renewed for by June 15th of each year.
  - b. The maximum number of chickens on an owner's premises is not to exceed **6**, and shall include no roosters.
  - c. The chickens shall be contained in a coop, which must be constructed at least **10 feet from the property line** and at least **15 feet from any dwelling**. The coop area is to be kept in a clean and safe manner that allows enough space for each bird to fit comfortably (approximately 3 square feet per bird).
  - d. There shall be no slaughtering of chickens within the plain sight of neighbors or the general public.
  - e. Chickens must be reasonably contained, and are not permitted to run at large.
  - f. Residents must take necessary precaution to prevent offensive odors, and be in compliance of the existing ordinances controlling and defining noxious odors, including Section 3767.13 in the Ohio Revised Code.

SECTION 5.03. ACCESSORY BUILDINGS

1. Permanent Accessory Buildings under One Hundred Sixty Square Feet or less (<160')
  - a. Must have a five (5) foot setback from the rear and side property line.
  - b. Must be placed in the rear yard in relation to the closest building on the same lot that is occupied by persons.

2. Permanent Accessory Buildings One Hundred Sixty Feet and over (>160')
  - a. Must have a five (5) foot set-back from the rear property line.
  - b. Must have a ten (10) foot set-back from the side property line.
  - c. Must be placed in the rear yard in relation to the closest building on the same lot that is occupied by persons.
  - d. A permit must be obtained using the procedure laid out in section 9 of the Zoning Ordinance.
3. Temporary Accessory Buildings
  - a. Must not be longer than eighteen (18) feet in length.
  - b. Must not exceed one hundred sixty (160) square feet.
  - c. A temporary accessory building shall not exist on the lot for a period exceeding six (6) months.
  - d. Must be placed in the rear yard in relation to the closest building on the same lot that is occupied by persons.
  - e. A permit must be obtained before the use of a temporary accessory building via the procedure laid out in Section 9 of the Zoning Ordinance, however:
    - i. The fee for a temporary accessory building shall be waived if the use of the temporary accessory building is less than thirty (30) days.
    - ii. The fee shall be thirty dollars (\$30.00) if the temporary accessory building exists on the lot for a period over thirty (30) days to six (6) months.

## SECTION 6. SPECIAL EXEMPTIONS IN ZONING DISTRICTS

### A. FAMILY CARE HOME

A family care home is permitted as a special exemption in all residential zones when approved by the Planning Commission, but only after having complied with the approval procedures relating to special exemptions as set forth in this ordinance and the following conditions:

1. Building, Fire, Health, and Safety Standards – A family care home shall not maintain lower than the minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such a home. No family home shall be occupied until such certification is made to the Planning Commission.
2. Licensing – A family care home shall not be permitted to be constructed or operated until the agency, organization, or institution supervising such a home satisfies the Planning Commission that the home and its operation complies, or in a reasonable period of time, will comply with all licensing requirements of the appropriate state agency.
3. Dispersal – In order to prevent the creation of a de facto social service district, the Planning Commission shall limit the number of persons living in family care homes on a block face to ten (10), exclusive of houseparents or supervisors. This is to insure that family care homes do not exceed the

limited capacity of a neighborhood to accommodate them. In any case, no more than three family care homes shall be permitted on the same block face in any district.

## B. GROUP HOMES

A group home is permitted as a special exemption in all residential zones except “R1” when approved by the Planning Commission, but only after having complied with the approval procedures relating to special exemptions specified in this ordinance and the following conditions:

1. Building, Fire, Health, and Safety Standards – A group home shall not maintain lower than the minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such a home. No group home shall be occupied until such certification is made to the Planning Commission.
2. Licensing – A group home shall not be permitted to be constructed or operated until the agency, organization, or institution supervising such a home satisfies the Planning Commission that the home and its operation complies, or in a reasonable period of time, will comply with all licensing requirements of the appropriate state agency.
3. Dispersal – In order to prevent the creation of a de facto social service district, the Planning Commission shall limit the number of persons living in group homes on a block face to eight (8), exclusive of houseparents or supervisors. This is to insure that group homes do not exceed the limited capacity of a neighborhood to accommodate them. In any case, no more than two group homes shall be permitted on the same block face in any district.

## C. INSTITUTIONAL CARE FACILITIES

An institutional care facility is permitted in any district except Industrial when approved by the Planning Commission, but only after having complied with the approval procedures relating to special exemptions as set forth in this ordinance and the following conditions:

1. Building, Fire, Health, and Safety Standards – An institutional care facility shall not maintain lower than the minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such a home. No institutional care facility shall be occupied until such certification is made to the Planning Commission.
2. Licensing – An institutional care facility shall not be permitted to be constructed or operated until the agency, organization, or institution supervising such a home satisfies the Planning Commission that the home and its operation complies, or in a reasonable period of time, will comply with all licensing requirements of the appropriate state agency.
3. Dispersal – In order to prevent the creation of a de facto social service district, the Planning Commission shall limit the number of such facilities to not more than one (1) on a block face nor more than two (2) per zoning

district.

#### D. PROCEDURES FOR OPTIANING SPECIAL EXEMPTIONS

1. A special exemption shall not be granted by Planning Commission until a written application is submitted, to the Zoning Inspector and Commission containing the name and address of the applicant(s), legal description of property and nature of the facility proposed.
2. Planning Commission shall request such certifications as are necessary regarding the above conditions, meet with the applicant to ascertain any facts needed to verify compliance with the special conditions to be met, and determine that all other requirements for the particular zoning district are or will be met.
3. In the instance of the proposal of an institutional care facility the Commission shall consult with the Village Administrator, or other appropriate officer to determine the impact upon the capacity of the Village's water supply, sewer and other infrastructure.
4. The Commission shall fix a reasonable time for a public hearing and cause the enforcing officer to give at least 15 days notice in a newspaper of general circulation in the Village describing the proposed special exemption. Notice shall also be given to all property owners within a distance of 200 feet, streets and alleys included, of the lot for which the special exemption is requested.
5. The concurring vote of a majority of the Commission shall be necessary to approve the application, but the Commission may not deny the application solely because of opposition of neighboring residents. The commission must demonstrate that its denial is based upon failure to meet requirements of the special exemption requested, noncompliance with requirements for the particular zoning district (set-backs, parking, etc.), or inability of the Village to provide proper supporting infrastructure in a cost-effective manner. Reasons for denial must be set forth in writing, a copy of which shall be given to the applicant no more than 15 days following the decision.
6. Any variances required by applicants for special exemptions will be considered as a separate matter under the variance procedures of this ordinance.

#### SECTION 7. NONCONFORMITIES

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

1. No such nonconforming uses of buildings shall be enlarged or increased, nor extended, to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. Any building or structure devoted to a nonconforming use which may be destroyed or damaged by fire or otherwise to the extent of fifty (50%) percent or more of its value shall not be repaired or rebuilt, nor shall another building or structure be erected on the premises except in conformity with the provisions of this ordinance.



3. If any nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. Whenever a nonconforming use has been changed to a use of higher classification or to a conforming use, such a use cannot thereafter be changed to one of a lower classification or back to a nonconforming use.
5. A complete record of the location, nature and extent of a nonconforming use shall be made and kept by the enforcing officer.

## SECTION 8. ADMINISTRATION

### Creation and Membership of Planning Commission

A Planning Commission, hereafter referred to by the word "Commission", is hereby authorized to be established. Such commission is composed of five members, who serve without compensation. The Mayor is a member of the commission by virtue of his office. A second member must be a member of Village Council. He is elected to the commission by council to serve during his term as councilman. The other three members of the commission must be residents of the Village who are appointed by the Mayor and confirmed by council. Initially, the Mayor appoints one member for a term of two years, a second for four years, and a third for six years. Thereafter, the Mayor appoints one new citizen member every two years to a six-year term on the Commission. Vacancies shall be filled for unexpired terms only.

Any member of the Commission may be removed for neglect of duty after public hearing before Council and resolution adopted by said Council.

### Chairman and Meetings

1. The Commission shall within ten days after appointment meet and organize, electing a chairman and secretary from their membership. All meetings of the Commission shall be held at the call of the chairman and at such times and places as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the Commission shall be open to the public.
2. The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission shall immediately be filed in the office of the Village Clerk and shall be public record. In the performance of its duties the Commission may incur such expenditures as shall be authorized by the Village Council. The commission shall adopt its own rules of procedure not in conflict with the statute.

### Duties of Planning Commission

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

1. Initiate proposed amendments to this ordinance.

2. Review all proposed amendments to this ordinance and make recommendations to the Village Council.
3. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
4. Authorize such variances from the terms of this ordinances as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this be observed and substantial justice done.
5. Review all proposed subdivisions for compliance with subdivision regulations and make recommendations to Council concerning approval of same and any variances requested.
6. Carry out all other planning functions assigned to Village Planning Commissions by the Ohio Revised Code and not inconsistent with other ordinances of the Village of Weston.

## SECTION 9. PROCEDURE FOR OBTAINING PERMITS

- A. Application for zoning permits shall be submitted to the Zoning Inspector. Each application shall be accompanied by the permit fee hereinafter provided together with a plat in duplicate showing actual dimensions of the lot to be built on, the size, use and location of existing buildings and the buildings to be constructed, showing setbacks and showing location and size of parking spaces, and such other information as the Commission shall require.

The Zoning Inspector shall issue or reject the application according to the ordinance and shall so inform the applicant. The record of all applications, plats and permits shall be kept in the Village Hall.

It shall be the duty of the Zoning Inspector, who shall be appointed by the Mayor with the concurrence of Council, to make inspections in connection with this ordinance before any construction shall be commenced. The Zoning Inspector shall inspect the site and make necessary measurements to see that construction is in accordance with the permit.

The Zoning Inspector shall be entitled to the sum of \$10.00 for each permit issued, payable from the General Fund.

- B. Applications for variance permits shall also be submitted to the Commission. Such application shall be accompanied by the variance permit fee hereafter provided for, together with information required for a regular Zoning Permit and such additional information as the Commission shall require.

The permit fee shall be the sum of \$5.00 plus the sum of \$2.00 per thousand dollars or fraction thereof of the estimated cost of construction to the maximum of \$1,000.00 total, but in no event shall the fee be less than \$20.00. The variance permit fee shall be an additional \$35.00. All Permit and variance fees shall go into the General Fund.

The Zoning Inspector shall be entitled to the sum of \$10.00 for each variance

application, payable from the General Fund.

The granting of a permit under this ordinance allows the construction or alteration of buildings or structures and the modification of the use as applied for in the permit and according to the plans, plats and specifications submitted with the application. Construction, alteration of buildings or structures, and modifications of the use contrary to such plans, plats or specifications shall constitute violation of this ordinance.

## SECTION 10. PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

### A. APPEALS

Appeals to the Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the village affected by any decision made by the administrative official charged with the enforcement of this ordinance. Such appeal shall be taken within such time as shall be prescribed by the Commission by general rule by filing with the officer from whom the appeal is taken and with the Commission a notice of appeal, specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Commission all the papers constituting the record from which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the officers from whom the appeal is taken certified to the Commission after the notice of appeal has been filed with him by reasons of fact stated in the certificate a stay would in his opinion, cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than a restraining order by a court of record on application, or notice to the officer from whom the appeal is taken and on due cause shown,

### B. Variances

The Commission may authorize upon appeal in specific cases such variances from the terms of this ordinance in which it is alleged that practical difficulties or particular hardship, not intended or not common to other owners or property in the vicinity, will be imposed in carrying out the strict letter of any such regulations, if it is determined that such variance will not be contrary to the public interest.

The following standards shall prevail when considering approval of variances:

1. The applicant's supposed hardship cannot be one of economics alone. For instance, a variance shall not be granted to allow construction of a service station in order that the property owner can sell the land for a higher price than he could get with the existing residential zoning.
2. The hardship must result from circumstances affecting a particular and unique piece of property, and not from a general condition throughout the neighborhood.
3. A variance must not alter the essential character of the neighborhood.
4. Any hardship must result from the requirements in the zoning ordinance and not from the applicant's own actions.

5. A variance must not be contrary to the public interest even if a hardship can be established.

Subject to the above general standards in the granting of variances, the Commission shall further be guided by the following principles:

1. Use variance may be granted to secure appropriate development of a lot or tract of land only when:
  - a. Side lot line of said lot adjoins a non-conforming building or use existing on the effective date of this ordinance, or
  - b. Side lot line adjoins a less restricted use district, provided that the adjoining lot in the less restricted use district, and the lot for which the variance is sought were under one ownership on the effective date of this ordinance, or
  - c. There was an exiting non-conforming use on said lot on the effective date of this ordinance.
2. Lot coverage and set back variances may be granted to secure appropriate development of a lot or tract of land only in the following situations:
  - a. Site area required for residence use may be varied not more than 20% where a given lot or tract of land was by the last conveyance prior to the adoption of this ordinance of such size or restricted area that it cannot be appropriately improved without such variance, and where the owner owns no adjoining property which can be added to said tract to create sufficient area to comply with the ordinance,
  - b. Minimum floor area required for a dwelling may be varied by not more than 10% where by exceptional arrangement of site design the result of such variation will be in harmony with the character of the neighborhood.
  - c. Yard size regulations may be varied by not more than 20% provided that the light and ventilation after the variation will be adequate to avoid unhealthy and unsanitary conditions.

#### Applications and Standards for Variances

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

1. Name, address, and phone number of applicants
2. Legal description of property
3. Description of nature of variance requested
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
  - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

- c. That special conditions and circumstances do not result from the actions of the applicant.
5. List of all property owners and their mailing addresses who are within a distance of 200 feet, streets and alleys included, of the lot for which the variance is proposed. The Zoning Inspector shall review the list and make a reasonable attempt to verify its accuracy. The Inspector may require additions or changes as necessary.

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

#### Public Hearing and Notice by the Planning Commission

The commission shall fix a reasonable time for the hearing of the variance or appeal and give due notice thereof to the parties and decide the same within a reasonable time.

The enforcing officer shall give at least ten days notice of the time and place of such hearing published in a newspaper of general circulation in the village describing the particular location and the proposed purposes of the variance. Such notice shall be mailed to the list of property owners supplied by the applicant.

#### Action by Planning Commission

The concurring vote of a majority of the Commission shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance.

### SECTION 11. PROCEDURE FOR ORDINANCE AMENDMENT OR DISTRICT CHANGE

Whenever the public necessity, convenience, general welfare, or good zoning practices require, village council may by ordinance after receipt of recommendation thereon from the Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

#### Initiation of Zoning Amendments

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

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

#### Contents of Application

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

1. Name, address, and phone number of applicant
2. Proposed amending ordinance, approved as to form by the Village Solicitor
3. Present use
4. Present zoning district
5. Proposed use
6. Proposed zoning district
7. A vicinity map at a scale approved by the zoning inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the zoning inspector may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.

#### Transmittal to Planning Commission

Immediately after the adoption of a resolution by the village council or the filing of an application by at least one (1) owner or lessees of property, said resolution or application shall be transmitted to the Commission.

#### Action by the Planning Commission

1. The Commission shall fix a reasonable time for the hearing of the proposed amendment and give due notice to the parties and decide within a reasonable time and give their report and recommendations to council within thirty days of their consideration.
2. Written notice of the hearing by the Commission shall be given to all property owners within a distance of 200 feet, streets and alleys included, of the land proposed to be rezoned or reclassified.
3. The concurring vote of a majority of the Commission shall be necessary to recommend that the amendment be granted as presented, to recommend modification of the amendment requested, or to recommend that the amendment be denied.

#### Public Hearing and Notice Requirements by Village Council

1. Upon receipt of the recommendation from the Commission, Council shall schedule a public hearing. Notice of the public hearing shall be given by village council by at least one (1) publication in one (1) or more newspapers of general circulation in the village affected. Said public notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
2. If the proposed amendment 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 Council, by first-class mail, at least twenty (20) days before the day of the public hearing to all owners of property within the contiguous to and directly across the street from such area proposed to be rezoned or reclassified. These property owners shall be taken from the County Auditor's current tax list or the County Treasurer's mailing list, and other lists or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section, shall not

invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified above.

#### Action by the Village Council

Within thirty (30) days after the public hearing, Village Council shall either adopt or deny the recommendation of the Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed without at least a concurrent (majority) of the elected officials of the legislative authority.

In the event the proposed amendment is denied by Village Council, the same proposed amendment cannot be resubmitted for one year from date of denial.

### SECTION 12. APPEALS TO COURT

Any person or persons jointly or severally aggrieved by a decision of the Commission or Council may appeal the decision to the Court of Common Pleas of Wood County as provided by the Ohio Revised Code Chapter 2506.

### SECTION 13. ENFORCEMENT

1. This ordinance shall be administered and enforced by the Zoning Inspector who is hereby designated the enforcing officer of this ordinance. The enforcing officer will be appointed by the Mayor with the concurrence of Council. The enforcing officer may be removed from office for neglect of duty after hearing before the Commission and Council. Such removal and filling of vacancy shall be made by resolution of the Village Council.
2. To be eligible for appointment, the Zoning Inspector shall be well informed on the details of the Zoning Code and be able to read and interpret building plans and specifications, surveys and other documents to the extent necessary to fulfill his duties and responsibilities of enforcement. He shall be physically capable of making the necessary examinations and inspections of the building site.
3. It shall be the duty of the Zoning Inspector to enforce all laws relating to the Zoning Code. It shall be the Zoning Inspector's job to consider the construction, alteration, and/or repair of buildings and structures only as it relates to enforcement of the Zoning Code.
4. The Zoning Inspector or a duly appointed assistant shall inspect all buildings or structures in the process of construction as well as the installation on private property of all utilities and other facilities incident thereto, to see that the provisions of law relative to planning and zoning are complied with, to review the application to determine that all requirements are complied with, and to determine the legality of nonconforming uses.
5. The Zoning Inspector shall keep careful and comprehensive records of applications, permits issued, inspections made, reports rendered, and notices or orders issued. A copy of the Zoning Permit shall be mailed to the Chairman of the Planning Commission within one week of issuance.
6. Neither the Zoning Inspector or any person duly appointed as his assistant, when acting for the Village in discharge of his duties, shall be deemed to render himself

personally liable, and he is hereby relieved of all personal liability for any damage that may accrue to persons property as the result of any such acts performed in the discharge of his duties except intentional tortuous conduct. Any suit brought against him because of any act performed by him in good faith or not constituting and intentional tort in the enforcement of any provision of this Zoning Code shall be defended by the Solicitor and if judgement be awarded against him he shall be indemnified and held harmless for all costs including reasonable attorney fees for his defense.

#### SECTION 14. VALIDITY

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

#### SECTION 15. REPEALER

All existing zoning ordinances and resolutions of the Village of Weston, Ohio are hereby repealed.

#### SECTION 16. VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance or amendments thereto, or submits false plans, evidence or testimony with intent thereby of obtaining any permit or privilege by trick or subterfuge shall be subject to a fine of not less than \$5.00 or more than \$200.00 for such offense.

Each twenty-four (24) hour period that any violation of this ordinance continues to exist shall constitute and be a separate offense under the terms hereof.

#### SECTION 17. EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.