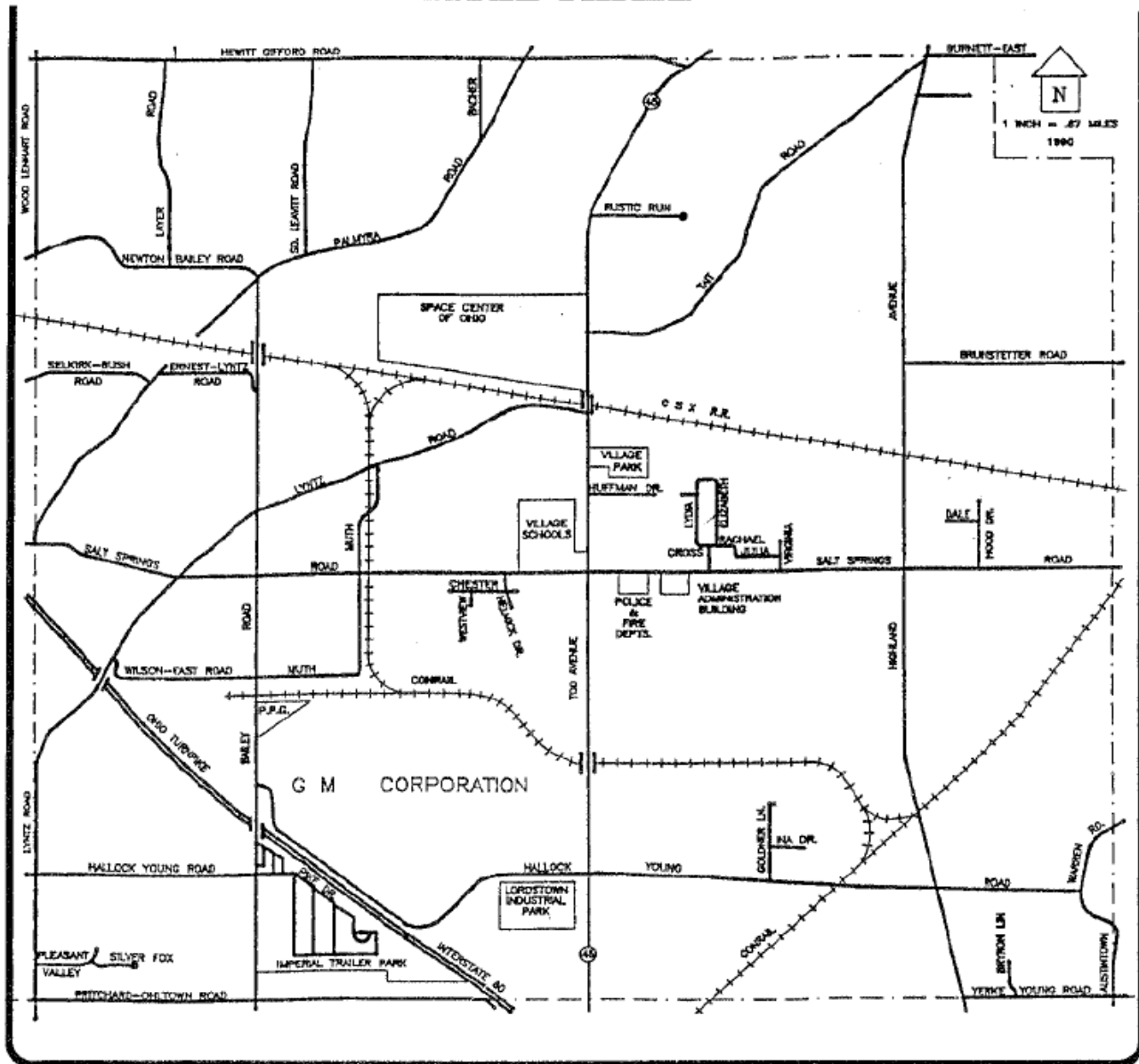


Zoning Administration

Lordstown, Ohio

Trumbull County

TITLE THREE



TITLE THREE - Zoning Administration

Chap. 1121. Definitions.

Chap. 1123. Title and Purpose.

Chap. 1125. Enforcement, Validity and Repeal.

Chap. 1127. Board of Zoning Appeals.

CHAPTER 1121

Definitions

1121.01 Definitions.

CROSS REFERENCES

Title and purpose - see P. & Z. Ch. 1123

Enforcement, validity and repeal - see P. & Z. Ch. 1125

Sign defined - see P. & Z. 1165.01

Flood hazard definitions - see BLDG. 1331.04

1121.01 DEFINITIONS.

(a) Unless the context otherwise requires, the following definitions shall be used in interpretations and construction of the Zoning Ordinance. Words used in the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

- (1) "Agriculture" includes agriculture, farming, dairying, pasturage, apiculture, nurseries, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (2) "Area, building" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces and steps. All dimensions shall be measured between the exterior faces of walls.

- (3) "Area, land" means when referring to the required area per dwelling unit, "net land area", the area exclusive of streets and other public open space. (Ord. 90-00. Passed 12-18-00.)
- (4.5) "Basement": See Foundation. (Ord. 28-2006. Passed 4-17-06.)
- (4) "Building, principal" means a structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the district lot on which the same is located.
- (5) "Building, accessory" means a building, the use of which is customarily incidental to that of a principal building and which is located on the same lot as that occupied by the principal building.
- (6) "Building, alteration" means any addition to a building, a change or rearrangement in the structural parts or exit facilities, or any change in the use from one district classification to another, or removal of building from one location to another.
- (7) "Building or structure; legally nonconforming" means an established building lawfully existing prior to and at the time of the adoption of the Zoning Ordinance which, because of its inherent nature of construction, does not conform to and with the provisions of the Zoning Ordinance for the district in which it is located.
- (8) "Building height" means the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof (ridge line).
- (9) "Building line, front" means a line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the Municipality or by private covenant. Regardless of deed restrictions, the minimum distance as established by the Zoning Ordinance shall hold.
- (10) "Cemetery" means land used or intended to be used for the burial of human beings and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated with and within the boundary of such cemetery.
- (11) "Clubhouse" means a building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.
- (12) "Coverage" means that percentage of the lots covered by the building area.

- (13) "Customary home occupation" means any personal service customarily conducted entirely within the principal structure of a single dwelling unit and carried out by the inhabitants thereof, which use is incidental and secondary to the use of the principal structure and does not change the character thereof.
- (14) "Driveway" means land situated on a lot used or intended to be used to provide access to it by vehicular traffic.
- (15) "Dump" means land used for the disposal by abandonment, dumping, burial, burning or any other means, and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.
- (16) "Dwelling unit" means space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- (17) "Dwelling, single-family" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.
- (18) "Dwelling, two-family" means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
- (19) "Dwelling, multi-family" means a building consisting of three or more dwelling units including condominiums, garden apartments and town houses with varying arrangements of entrances and party walls. Multi-family housing may include public housing.
- (20) "Future land use plan" means a plan, or any portion thereof, adopted by the Planning Commission and/or Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major street, parks, schools, community facilities and proposed zoning districts for future development. This plan establishes the goals, objectives and policies of the community.
- (21) "Essential public services" means the erection, construction, alteration or maintenance by public utilities, or Village or other governmental agencies of underground, or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or Village or other governmental agencies or for the public health or safety or general welfare.

- (22) "Factory-built housing" means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. Factory-built housing has the following features or characteristics: It is mass produced in a factory; designed and constructed for transportation to a site with or without a chassis for installation and use when connected to required utilities; either an independent, individual factory erected building or module with two or more sides assembled at the factory, for combination with other elements to form a building on the site. Factory-built housing shall include "manufactured home", "modular home", "sectional home", "mobile home", "mobile home, double-wide or triple-wide", "mobile home, expandable".
- (23) "Foundation." Pursuant to Chapters 1102 and 1121 entitled "Definitions", each dwelling unit as described in the R-1, R-2 and R-3 Residential Districts shall be built upon a full basement. The full basement will comprise the foundation which shall be defined as the structure transmitting the load of the superstructure to the supporting soil or rock in such a way as to prevent the settling or slippage of the structure. The foundation will consist of a concrete footer, poured concrete and/or concrete block walls, a concrete slab between walls on interior of structure, and drainage pipe inside and outside perimeter of the dwelling unit all of which shall adhere to the Trumbull County Building Department Codes.
- (24) "Garage, private" means a garage not conducted as a business or used for the storage space for more than one commercial vehicle which shall be owned by a person residing on the premises.
- (25) "Kennel" means any establishment including cages, dog runs, and structures wherein more than three dogs which are over six months of age are harbored, bred or boarded for compensation.
- (26) "Lot" means a piece, parcel or plot of land occupied or designed to be occupied by a principal building and its accessory building or buildings and including yards and other open spaces required by this Zoning Ordinance. In the case of public, institutional, commercial or industrial buildings, a group of buildings, may occupy the same lot.
- (27) "Lot, corner" means a lot which has an interior angle of less than 135 degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- (28) "Lot, depth" means the horizontal distance from the center line of the road right of way to its opposite rear line measured along the median between the two side lot lines.
- (29) "Lot, interior" means a lot other than a corner lot.
- (30) "Lot lines" means the lines that bound a lot as described herein.
- (31) "Lot, nonconforming" means any district lot lawfully existing at the effective date of this Zoning Ordinance or any subsequent amendment thereto, which is not in accordance with all provisions of this Zoning Ordinance.

- (32) "Lot of record" means any lot which has been established as such by plat, survey, record or deed prior to the date of this enactment as shown on the records of the Trumbull County Recorder's Office.
- (33) "Lot, through" means an interior lot having frontage in two parallel or approximately parallel streets.
- (34) "Lot, width" means the distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines which line of measurement shall touch, but not be in front of the street line (road right of way) required by this Zoning Ordinance. The lot width shall be on a public road. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front line which has the least dimension shall be considered to be the front lot line and the lot lines adjacent thereto shall be considered to be the side lot lines.
- (35) "Manufactured home" means any non-self-propelled vehicle transportable in one or more sections and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bear a label certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards.
- (36) "Mobile home" means any portable vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used as a detached single family residence; and which is intended to be occupied as a permanent living quarters containing sleeping accommodations, a flush toilet, a tub and shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.
- (37) "Mobile home, double-wide or triple wide" means a mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (38) "Mobile home, expandable" means a mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.
- (39) "Mobile home park" means any parcel of land which is planned and improved for the placement of mobile homes which are used as dwellings and for occupancy, together with necessary improvements and facilities upon the land.
- (40) "Modular home" means a factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements which are to be incorporated into a structure at the site.

- (41) "Nursing home" means a home or facility for the care and treatment of babies, children, pensioners or elderly people. A Board of Health permit is required.
- (42) "Open space" means any unoccupied space open to the sky required by the terms of this Zoning Ordinance.
- (43) "Parking space" means for the purpose of computing the number of parking spaces available in a given area, the ratio of 200 square feet per parking space shall be used.
- (44) "Quarry, sand pit, gravel pit, top soil stripping" means a lot of land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading preparatory to the construction of a building for which a building permit has been issued, or highway construction.
- (45) "Riding academy" means any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
- (46) "Roadside stand" means a stall or booth which shall be limited to the retail sale of farm products, primarily raised on the premises.
- (47) "Sectional home" means a dwelling made of two or more modular units transported to the homesite, put on a foundation and joined to make a single dwelling.
- (48) "Sign" means any structure or part thereof, attached thereto, or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation, but not including the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like organization on the property thereof. For purpose of measurement, measurement shall commence from outside of frame to outside of frame.
- (49) "Sign, business" means a sign which directs attention to a business, profession, or industry located on the premises where the sign is displayed, to the type of products sold, manufactured or assembled, and/or to service or entertainment offered on such premises.
- (50) "Sign, farm products" means a sign advertising the sale of farm products raised on the premises.
- (51) "Sign, identification" means a sign used to identify the individual or organization occupying the premises or the name of the building or structure in connection with which the sign is displayed.
- (52) "Sign, political" are signs advertising the candidacy of a person seeking public office and/or issues that are to be voted upon by the public.
- (53) "Sign, real estate" means a sign advertising property on which it is located, or a building thereon, for sale, rent or lease.
- (54) "Special use" means a use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Board of Appeals, before it may be permitted in the district enumerated in this Zoning Ordinance.
- (55) "Stable, public" means a building in which horses are kept for remuneration, hire or sale.

- (56) "Storage, open" means land used for the keeping of goods, wares or supplies on land outside of any building or structure.
- (57) "Story" means that part of a building included between any floor, other than a cellar floor, and floor or roof next above.
- (58) "Street" means any public way not less than sixty feet right-of-way (twenty-four feet paved) width, which is dedicated and accepted for public travel.
- (59) "Street line" means right-of-way line.
- (60) "Structure" means anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills or any other support, whether such foundation, posts, piles, blocks, skids, sills or other support is or is not permanently located or attached to the soil.
- (61) "Structure, alteration of" means any addition to a structure, a change or rearrangement in the structural parts, or any change in use from district classification to another, or removal of a structure from one location to another.
- (62) "Swimming pool" means any body of water excluding natural bodies of water such as ponds and those fed by rivers, streams, brooks or springs, or receptacle for swimming or bathing, and constructed, installed or maintained in or on the ground outside any building.
- (63) "Trailer" means any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreation or vacation purposes; and which may or may not include one or all of the accommodations and facilities intended in a mobile home.
- (64) "Use" means the specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.
- (65) "Use, accessory" means a use which is customarily incidental to and subordinate to the principal use of a premises, building or structure and located on the same premises as the principal use, building or structure.
- (66) "Use, nonconforming" means an established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption or amendment of this Zoning Ordinance that does not conform with the permitted use provisions of this Zoning Ordinance as they apply to the district in which the building, structure or land is located.
- (67) "Yard" means an unoccupied space open to the sky on the same lot with a building or structure.
- (68) "Yard, front" means an open space extending across the entire width of the lot between the front building line facing on a dedicated street or road right-of-way line.
- (69) "Yard, rear" means an open space extending across the entire width of the lot between the rear building line and the rear lot line of the lot specified for the zoning district in which the lot is situated.
- (70) "Yard, side" means an open, unobstructed space on the same lot with a principal building between the principal building and side line of the lot and extending through the front yard to the rear yard.

- (71) "Zoning Board of Appeals" means the Zoning Board of Appeals of Lordstown for the purpose of addressing appeals, variances, special use permits and other matters and questions before the Board.
- (72) "Zoning Administrator" means the administrative officer charged with the duty of enforcing the provisions of this Zoning Ordinance.
- (73) "Zoning permit" means a document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.
- (74) "Zoning Ordinance" means Titles Three, Five and Seven of this Part Eleven - Planning and Zoning Code.
(Ord. 90-00. Passed 12-18-00.)

CHAPTER 1123
Title and Purpose

1123.01 Title

1123.02 Minimum requirements

CROSS REFERENCES

Zoning ordinance definitions - see P. & Z. Ch.1121
Enforcement, validity and repeal - see P. & Z. Ch. 1125
Supplementary regulations - see P. & Z. Ch. 1161

1123.01 TITLE.

Titles Three, Five and Seven of this Part Eleven shall be known and may be cited as the "Zoning Ordinance of Lordstown, Ohio".
(Ord. 90-00. Passed 12-18-00.)

1123.02 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.
(Ord. 90-00. Passed 12-18-00.)

CHAPTER 1125
Enforcement, Validity and Repeal

1125.01	Planning and Zoning Administrator.	1125.06	Alternative remedies.
1125.02	Submission of applications.	1125.07	Separability.
1125.03	Zoning permit.	1125.08	Repeal; effective date.
1125.04	Certificate of occupancy.	1125.99	Penalty.
1125.05	Fees.		

CROSS REFERENCES

Income tax - see ADM. Ch. 181
Title and purpose - see P. & Z. Ch. 1123
Nonconforming use - see P. & Z. Ch. 1167
Special use permits - see P. & Z. Ch. 1175

1125.01 PLANNING AND ZONING ADMINISTRATOR.

(a) Creation. For the purposes of enforcing the Zoning Ordinance, Council shall establish and fill the position of Village Planning and Zoning Administrator, together with such assistants as Council deems necessary. The term of employment, rate of compensation, and other such conditions shall be set by Council.

- (b) The duties of the Planning and Zoning Administrator shall be as follows:
- (1) Administer the Zoning Ordinance of the Village of Lordstown.
 - (2) Issue zoning permits, verify plot plans and review plans to see that they are in accordance with the Zoning Ordinance.
 - (3) Assist new potential residents and businesses in all inquiries about the Village rules and regulations.
 - (4) All other duties consistent with the nature of his office as required by legislation.

(c) The Planning and Zoning Administrator shall report to the Mayor and appropriate Committee of Council. (Ord. 28-2006. Passed 4-17-06.)

1125.02 SUBMISSION OF APPLICATIONS.

All applications for zoning permits shall be submitted to the Zoning Administrator who may issue zoning permits when all applicable provisions of this Zoning Ordinance have been complied with. (Ord. 90-00. Passed 12-18-00.)

1125.03 ZONING PERMIT.

(a) Before constructing, altering or reconstructing any structure, application shall be made to the Zoning Administrator for a zoning permit. However, no zoning permit is required for any construction of or alteration of, or addition to, an accessory building which will be less than 100 square feet upon completion of the construction, alteration or addition, or that extends less than six inches from the ground surface. The application shall include the following information:

- (1) A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon;
- (2) The location, dimensions, height and bulk of structures to be erected;
- (3) The intended use;
- (4) The proposed number of rooms, dwelling units, occupants, employees and other uses;
- (5) The yard, open area and parking space dimensions;
- (6) The property owner shall be responsible to install drainage culvert pipe as required and specified by the Village Street Commissioner, in the event an open ditch exists at the street line of the proposed construction; and
- (7) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) See 1165.04 for sign requirement.

(c) Within five working days after the receipt of application, the Zoning Administrator shall issue a zoning permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee as indicated in Section 1125.05.

(d) The zoning permit shall become void at the expiration of six months after date of issuance unless construction is started. If no construction is started or use changed within six months of date of permit, a new permit is required upon proper application. This new permit may be extended for a period of six months by the Zoning Administrator.

(e) Failure to obtain a zoning permit shall be a violation of this Zoning Ordinance and punishable under Section 1125.99.

(f) Upon issuance of a zoning permit to a property owner, the Zoning Administrator, or the Zoning Administrator's agent(s), shall inform the property owner that they may have a responsibility to obtain a building permit from the Trumbull County Building Department. (Ord. 27-2006. Passed 4-17-06.)

1125.04 CERTIFICATE OF OCCUPANCY.

(a) Required. No person shall use or occupy or permit the use or occupancy of any buildings or premises, or both, or part hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Zoning Ordinance.

(b) Application for Certificate of Occupancy. Application for a Certificate of Occupancy and Use shall be made with the application for a zoning permit and shall be issued or refused in writing after the Zoning Administrator has been notified in writing that the building or premises is ready for occupancy.

(c) Records. The Zoning Administrator shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

(d) Failure to Obtain a Certificate of Occupancy. Failure to obtain a Certificate of Occupancy shall be a violation of this Zoning Ordinance and punishable under Section 1125.99. (Ord. 90-00. Passed 12-18-00.)

1125.05 FEES.

(a) Schedule. The following minimum fee of fifteen dollars (\$15.00) shall be paid when application is made and prior to the issuance of zoning permits and shall not be refundable. This minimum fee does not apply to outdoor advertising.

- (1) Residential and residential apartments. Five cents (5 cents) for each usable square foot of each floor of the entire structure and any accessory structures, exclusive of cellars or basements not intended for living space.
- (2) Business and commercial. Seven and one-half cents (7.5 cents) per square foot of usable floor space for each floor, exclusive of cellars not intended for use other than storage or mechanical equipment.
- (3) Industrial. Ten cents (10 cents) per square foot of each floor area.
- (4) Outdoor advertising.
 - A. All signs of up to ten square feet- \$15.00
 - B. Signs of more than ten square feet, but less than twenty square feet in area, \$20.00
 - C. Signs of twenty or more square feet in area, \$25.00

(b) Additional Information. In addition to the above fees, any actual costs for plans, permits, professional assistance and advice and extraordinary expense furnished by the Zoning Administrator and the Zoning Board of Appeals shall be charged to the applicant for a zoning permit.

- (1) Contractors shall obtain a zoning permit before new construction, additions or alterations have been started. Contractors shall properly display zoning permit cards in a manner which is clearly visible from the street. The above mentioned fees shall be doubled when zoning certificates are issued after construction, or additions, or alterations have been started by the contractor.
- (2) A receipt for all fees paid by the applicant for a zoning permit shall be issued by the Zoning Administrator, and such fees shall be turned over to the Village Clerk for proper accounting according to law.
- (3) This Zoning Ordinance shall not be interpreted as interfering with, abrogating or annulling any regulations, resolutions or permits previously adopted or issued by Council except where such regulations, ordinances or amendments are in conflict with this Zoning Ordinance or amendments hereto; in which event this Ordinance or amendment hereto shall prevail.
- (4) Neither the Zoning Administrator nor any Assistant Zoning Administrator nor Clerk shall, during the term of his (or her) office, be employed or engaged, directly or indirectly, in any building construction business for others, or enter into any contract for building construction for others or for furnishing materials, plans, specifications or equipment for others within the Village. Nor shall any duly licensed real estate broker or salesman or spouse of any duly licensed real estate broker or salesman be appointed Zoning Administrator, Assistant Zoning Administrator or Clerk within the Village. (Ord. 90-00. Passed 12-18-00.)

1125.06 ALTERNATIVE REMEDIES.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any provisions of this Zoning Ordinance or supplements or amendments thereto, Council, the Village Solicitor, Prosecuting Attorney for the Village, the Village Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. (Ord. 90-00. Passed 12-18-00.)

1125.07 SEPARABILITY.

Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 90-00. Passed 12-18-00.)

1125.08 REPEAL; EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law. (Ord. 90-00. Passed 12-18-00.)

1125.99 PENALTY.

Whoever violates this Zoning Ordinance is guilty of an unclassified misdemeanor subject to a fine of one hundred fifty dollars (\$150.00) per day. Each day that the violation exists or the violator fails to correct the defect is considered a separate violation and may be charged as an ongoing and continuous violation.

(Ord. 27-2006. Passed 4-17-06.)

CHAPTER 1127
Board of Zoning Appeals

1127.01	Composition and appointment.	1127.06	Application; procedure.
1127.02	Organization; quorum.	1127.07	Notice of hearing.
1127.03	Meetings; witnesses.	1127.08	Decisions.
1127.04	Powers and duties.	1127.09	Deposit/Expenses.
1127.05	Appeals.	1127.10	Appeals to Council.

CROSS REFERENCES

Board defined - see P. & Z. 1121.01(a)(68)
 Determination of district boundaries - see P. & Z. 1131.03
 Review and approval of curb cuts at eating establishments -
 see P. & Z. 1161.05
 Authorization of special use permits - see P. & Z. 1175.02
 Site plan approval - see P. & Z. 1175.03

1127.01 COMPOSITION AND APPOINTMENT.

The Board of Zoning Appeals shall consist of five members who shall be resident electors of the Village of Lordstown and shall be appointed by the Mayor, and confirmed by Council and shall include one elected member of Village Council. The five members shall serve for terms of six years each. All such members shall serve without compensation. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office and other cause by Council, upon written charges being filed with Council, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution by the Mayor and confirmed by Council for the unexpired term. (Ord. 28-2006. Passed 4-17-06.)

1127.02 ORGANIZATION; QUORUM.

(a) Organization. The Board of Zoning Appeals shall elect a Chairperson and a Vice Chairperson from its membership and shall appoint a Planning and Zoning Administrator who shall be the custodian of all records of the Board of Zoning Appeals. The Board of Zoning Appeals shall prescribe rules for the conduct of its affairs.

(b) Transcript. A transcript of the proceedings of each Board of Zoning Appeals meeting shall be taken.

(c) Quorum. Three members of the Board shall constitute a quorum at all meetings. A concurring vote of three members shall be necessary to effect an order, take action, make decisions or act on any authorization. (Ord. 28-2006. Passed 4-17-06.)

1127.03 MEETINGS; WITNESSES.

(a) Meetings. The Board of Zoning Appeals shall meet at such time as it shall determine necessary. All meetings of the Board shall be open to the public.

(b) Witnesses. The Board chairman or acting chairman may administer oaths and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

(c) Proceedings. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of Council and shall be a public record.

(Ord. 90-00. Passed 12-18-00.)

1127.04 POWERS AND DUTIES.

(a) The Zoning Board of Appeals shall have the following powers:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance.
- (2) Authorize, upon appeal, in specific case, a variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Ordinance will result in practical difficulties, and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety and morals and in furtherance of the purposes and intent of this Zoning Ordinance.
- (3) Authorize, upon sufficient cause to issue "Special Use Permits".
- (4) Address questions that pertain to the Planning and Zoning Code which the Zoning Administrator may need clarification or concurrence of the BZA.

(b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 13-92, passed January 21, 1992.) (Ord. 90-00. Passed 12-18-00.)

1127.05 APPEALS.

Appeals to the Board of Zoning Appeals may be taken by any person or by any officer, board or department of the Village, deeming himself or itself to be adversely affected by the decision of the Zoning Administrator or any decision in which the Board has original jurisdiction. Such appeal shall be taken within ten days after the decision. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator whose decision is appealed, shall certify to the Zoning Board of Appeals after the notice of the appeal has been filed, that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property.

In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction. Within its powers, the Board may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board shall decide all such appeals within a reasonable time after date of hearing. (Ord. 90-00. Passed 12-18-00.)

1127.06 APPLICATION; PROCEDURE.

(a) Application. An application, in cases in which the Board has original jurisdiction under the provisions of this Zoning Ordinance may be taken by any property owner, or by governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit the same to the Board.

(b) Procedure. The Zoning Board of Appeals shall act in accordance with the procedure specified by law including this Zoning Ordinance. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings: Interpretation; Variance; together with all documents pertaining thereto.
(Ord. 90-00. Passed 12-18-00.)

1127.07 NOTICE OF HEARING.

When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the secretary shall immediately place the request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least seven days prior to the date of the scheduled hearing. All notices shall be sent to addresses given on the last assessment roll. Such hearings shall be advertised by one publication in one or more newspapers of general circulation in the Village at least ten days before the date of such hearing. In addition, a written notice shall be sent to adjoining and abutting property owners of the property which is the subject of the appeal. Such notices shall be sent by certified mail. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.
(Ord. 90-00. Passed 12-18-00.)

1127.08 DECISIONS.

(a) A certified copy of the decision of the Board of Zoning Appeals shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a permit is authorized by the Board.

(b) A decision of the Board shall not become final until expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record. (Ord. 90-00. Passed 12-18-00.)

1127.09 DEPOSIT/EXPENSES.

All applications for a zoning classification amendment or supplement, (except those initiated by the Planning Commission) or an appeal from the Planning and Zoning Code or an appeal from a decision of the Planning/Zoning Administrator when filed shall be accompanied by a deposit as follows: two hundred dollars (\$200.00) for property zoned residential; three hundred dollars (\$300.00) for property zoned business or commercial; and five hundred dollars (\$500.00) for property zoned industrial in the form of cash, personal check, bank check, money order or certified check made payable to the Village of Lordstown. Such deposit shall be used to pay or reimburse the Village for the fixed and variable expenses of processing such application. The Village shall credit or charge such expenses (which shall include, but not be limited to, publication costs, postage, court reporter appearance fee, engineer consultant fees, etc.) against the deposit. Upon completion of the processing of such an application, if the expenses do not exceed the deposit, then a refund of the difference shall be made to the applicant. If the expenses exceed the deposit, then the applicant shall reimburse the Village for any such additional amount. The failure of an applicant to pay a deposit at the time of filing shall result in the rejection of the application by the Planning and Zoning Administrator. (Ord. 35-2003. Passed 5-19-03.)

1127.10 APPEALS TO COUNCIL.

(a) Appeals to Council may be taken by any person or by any officer, board or department of the Village deeming himself, herself or itself adversely affected by the decision of the Board of Zoning Appeals regarding an application for a special use permit in accordance with Chapters 1135 and 1137.

(b) Appeals hereunder shall be limited to decisions of the Board of Zoning Appeals regarding those uses requiring a special use and uses requiring a special use permit in any other district of the Village shall be reviewed only as provided by law.

(c) Appeals to Council shall be in the same manner and subject to the same standards and supplementary standards and regulations as shall be applicable to the Board of Zoning Appeals and Council shall have the same powers and duties including but not limited to the power to reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done as provided for in this chapter, except that no affirmation, modification or reversal of the order of the Board of Zoning Appeals shall be effective unless passed by three-fourths majority vote of Council.

(d) An appeal to Council under this section must be in writing and received by the Clerk of the Village within fifteen days of the receipt of the decision of the Board of Zoning Appeals. (Ord. 90-00. Passed 12-18-00.)