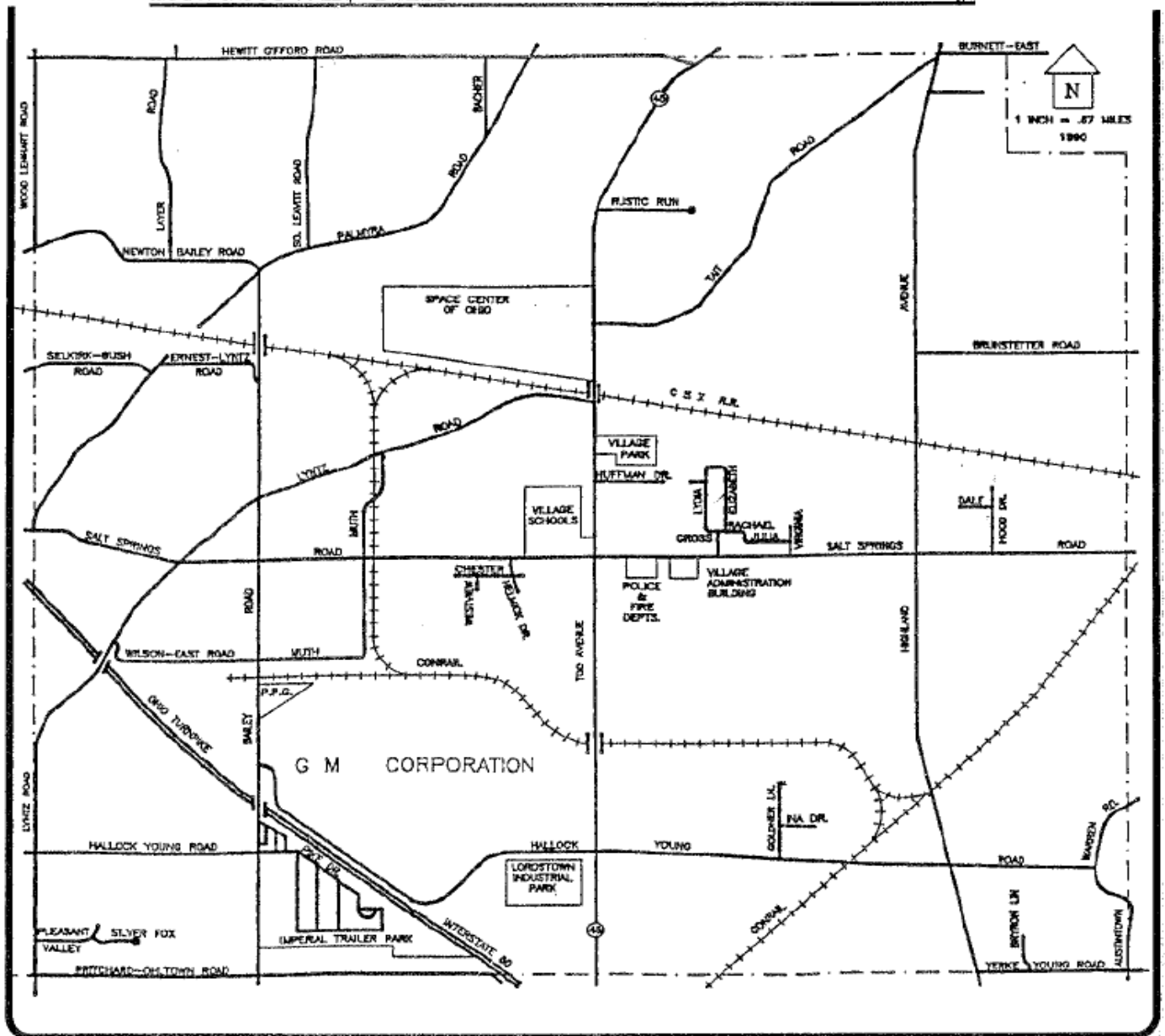


Standards and Special Provisions

Lordstown, Ohio

Trumbull County



TITLE SEVEN - Zoning Standards and Special Provisions

- Chap. 1161. Supplementary Regulations.
- Chap. 1162. Oil and Gas Wells.
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CHAPTER 1161
Supplementary Regulations

1161.01	Flood hazard areas.	1161.05	Eating establishments.
1161.02	Private swimming pools.	1161.06	Home occupations.
1161.03	Animals or fowl.	1161.07	Building setback from gas well.
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CROSS REFERENCES

- Marking flood areas - see Ohio R.C. 1521.14
- Construction permits and prohibitions for dams, dikes or levees - see
Ohio R.C. 1521.06
- Use regulations - see P. & Z. Ch. 1135
- Area, bulk, height and coverage regulations - see P. & Z. Ch. 1137
- Lot regulations - see P. & Z. Ch. 1139
- Yard regulations - see P. & Z. Ch. 1141

1161.01 FLOOD HAZARD AREAS.

(a) Purpose; Findings of Fact. The development of the flood hazard areas of the Village of Lordstown, Ohio could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the Village does ordain the provisions of this section.

- (b) Definitions. As used in this section:
- (1) “Area of special flood hazard” means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
 - (2) “Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.
 - (3) “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, dumping, grading, paving, excavation or drilling operations located within the area of special flood hazard.
 - (4) “Federal Emergency Management Agency” (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
 - (5) “Flood Hazard District” shall encompass at a minimum the 100 year flood plain as identified in the “Flood Insurance Rate Map” for the Village of Lordstown, Ohio dated March 1, 1979 and any revisions thereto.
 - (6) “Flood Insurance Rate Map” (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
 - (7) “Flood Insurance Study” means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevations of the base flood.
 - (8) “Structure” means a walled and roofed building, manufactured home, foundation or gas or liquid storage tank that is principally above ground.
 - (9) “Variance” means a grant of relief to a person from the requirements of this section which permits construction in a manner that would otherwise be prohibited by this section.
 - (10) “Village” means the Village of Lordstown, Ohio.
- (c) Basis for Establishing Flood Hazard Districts.
- (1) Applicable lands. This section shall apply to all lands within the jurisdiction of the Village as shown on the official zoning map within the boundaries of the flood hazard district. The areas of special flood hazard are based on scientific and engineering report prepared by the Federal Emergency Management Agency titled “Flood Insurance Study, Village of Lordstown, Trumbull County, Ohio”. This report along with all flood insurance rate maps and with flood boundary and floodway maps with an effective date of March 1, 1979, and any revisions thereto are hereby incorporated by reference and made a part of this section. The flood insurance study of Lordstown, Trumbull County, Ohio, is on file at the office of the Village Clerk, Village of Lordstown, Administration Center, 1455 Salt Springs Road, S.W., Lordstown, Ohio 44481.
 - (2) Flood hazard district designation. The areas of special flood hazard identified on the Official Zoning Map shall be designated as a Flood Hazard (FH) District.

(d) Designation and Duties of the Zoning Administrator. The Zoning Administrator is appointed to review all development and subdivision proposals to ensure compliance with this section.

(e) Permitted Uses in the Flood Hazard District.

(1) All development except the following uses permitted by right, as set forth below in subsection (e) (2) hereof, shall be prohibited within the Flood Hazard District as established in subsection 1161.01 (c) hereof.

(2) The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Hazard District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment.

- A. Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries and vineyards.
- B. Forestry, wildlife areas and nature preserves.
- C. Parks and recreational uses (i.e., golf courses, driving ranges, play areas).

(f) Nonconforming Uses. Any building, structure, development or use of land in the Flood Hazard District which is not in conformance with this section constitutes a nonconforming use. All applications to repair, extend, or enlarge a nonconforming use shall be forwarded to the Zoning Administrator for review and comment. The issuance of any local permit must comply with all of the National Flood Insurance Program requirements for flood plain management contained in Section 60.3, Title 44 of the Code of Federal Regulations.

(g) Variances. The Board of Zoning Appeals as established by the Village shall hear and decide appeals and requests for variances from the requirements of this section. The Board of Zoning Appeals shall also hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this section. The Board's decision shall be consistent with the standards of 60.6 (a) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59).

(h) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

(i) Violations and Penalties. Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Whoever violates this section or fails to comply with any of its requirements (including violation of conditions or safeguards established in connection with conditions) shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) per day and in addition, shall pay all costs and expenses involved in the case. Whoever violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned, or both, as provided by laws of the Village. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

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

1161.02 PRIVATE SWIMMING POOLS.

A private swimming pool installed or maintained as an accessory use where permitted as an accessory use shall meet the following requirements:

- (a) It shall be used only as an accessory use to a dwelling for the private use of owner, occupant, guests or employees.
- (b) The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the County or State codes.
- (c) All private residential in ground swimming pools shall be completely enclosed by a fence erected along the periphery of the pool. The back of the fence or the undesirable side shall face toward the pool. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall not be less than four feet six inches and not over six feet in height above grade level and shall be constructed of not less than a No. 9 gage corrosion-resistant woven wire mesh material, or equivalent material approved by the Zoning Administrator. All gates shall be equipped with a self-closing and self-latching devices placed at the top of gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases. (Ord. 90-00. Passed 12-18-00.)

1161.03 ANIMALS AND FOWL.

Household pets not restricted or prohibited by any other ordinance and generally kept within the dwelling shall be permitted as a matter of right within the R-1, R-2 or R-3 District. Other animals or fowl where permitted as an accessory use shall meet the following requirements.

- (a) This section shall prevent at a distance of less than 200 feet of the nearest portion of a dwelling other than that of a resident; the keeping, sheltering, harboring, raising, breeding, training, feeding, caring of, to including pasturing, grazing, roaming or other useful purpose of any animal, other than man, including any domestic or wild fowl, pigeon, bird or game, or storage of animal waste.
(Ord. 28-2006. Passed 4-17-06.)

1161.04 BUSINESS AND INDUSTRIAL USES IN B-1, B-2 AND I-1 DISTRICTS.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in the following subsections.

- (a) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (b) Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

- (c) Air Pollution. No pollution of air by fly-ash, dust, vapors, odors, smoke or other substances shall be permitted which are harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- (d) Hazardous Waste Materials. No outside storage shall be permitted of by-products of manufacture which are because of ignitability, corrosivity, reactivity or toxicity, hazardous to the environment and/or creates a public health nuisance.
- (e) Glare. No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.
- (f) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (g) Water Pollution. Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
- (h) Noise. Objectionable noise as determined by the Board of Zoning Appeals which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- (i) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (j) Enforcement. The Zoning Administrator or Zoning Board of Appeals, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectional elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- (k) Measurement Procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States Bureau of Mines; and the Ohio Environmental Protection Agency.
- (l) Buffer and Earthen Barriers. Refer to Section 1169.02.
(Ord. 90-00. Passed 12-18-00.)

1161.05 EATING ESTABLISHMENTS

Businesses where persons are served in automobiles shall not be closer than 200 feet to any residential district and shall provide ingress and egress so as to minimize traffic congestion. The number and location of curb cuts shall be subject to the review and approval of the Planning Commission at the "Site Plan Review". Screening shall be in accordance with Chapter 1169. Signs and parking area illumination shall be in accordance with other sections of this Zoning Ordinance. (Ord. 90-00. Passed 12-18-00.)

1161.06 HOME OCCUPATIONS.

(a) An occupation for gain or support conducted by a person residing on the premises providing the occupation is a personal service.

(b) A home occupation shall be a personal service only and there shall be no change in the appearance of the structure and/or property which would alter or detract from the residential atmosphere of the neighborhood.

(c) The home occupation shall be conducted wholly within the dwelling and not occupy a floor area greater than one-fourth of the area of the first floor of the liveable area of the dwelling.

(d) The home occupation shall not display or create outside the dwelling any evidence of the home occupation except that one unanimated, nonilluminated sign having an area of not more than two square feet shall be permitted on each street front of the lot on which the principal structure is situated.

(e) The use of a dwelling for home occupation shall be permitted, but is not necessarily limited to the following:

- (1) Office or studio of a physician, surgeon, dentist, musician, lawyer, architect, accountant, insurance agent, travel agent, artist, realtor, custom dress maker, seamstress, milliner, tutoring, beauty shop, barber shop, provided there is no advertising display except as provided herein and off-street parking shall be provided for all vehicles.

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

1161.07 BUILDING SETBACK FROM GAS WELL.

(a) All principal structures to be located within any Residential, Commercial or Industrial zoning district, must be at least one hundred feet from an existing gas well head, separator unit or storage tanks.

(b) All such well heads, separator units and storage tanks must be contained inside an earthen dike sufficient to contain any spills or runoff from these units. A chain link fence at least six feet in height and a locked gate shall contain this dike. Shrubbery adequate to conceal the appearance of this fenced in area shall be installed. The dike, fence and shrubbery shall be maintained and kept in good operation and appearance.

(c) Prior to construction and/or "Site Plan Review", all transmission lines and other gas lines in the area of the development must be located, mapped, marked and relocated if necessary to prevent development over these lines.

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

CHAPTER 1162
Oil and Gas Wells

1162.01 Conditions.

1162.01 CONDITIONS.

Oil or gas wells and their related and necessary structures, where permitted in this Zoning Ordinance, shall be subject to the following conditions:

- (a) A permit shall be obtained from the Zoning Administrator prior to commencing any of the drilling operations referred to above, and payment of eight hundred dollars (\$800.00) shall be made for such permit. This subsection shall not apply to the drilling of wells for water.
- (b) Prior to establishing an access roadway to the drill site, the operator shall contact the Village Road Supervisor to establish the location and casing necessary for such roadway. Such casing to be of reinforced concrete pipe with a minimum diameter of twelve inches and forty feet in length with drainage maintained at both ends of the casing. The casing shall be of sufficient diameter to carry all the water coursing through the ditch.
- (c) All roadways to the separator units or oil storage tanks shall be lagged, stoned or paved with asphalt or concrete in a satisfactory manner.
- (d) Any damage done to the Village roadways shall be repaired or payment made to the Village for all expenses incurred by the Village in making the necessary repairs.
- (e) All equipment is to be free of mud prior to entering the highway so that no deposit is left on the roadway.
- (f) No loading or unloading of oil or water is to be made from the road; and blocking at the road is prohibited at all times.
- (g) All pipeline undercrossings at hard surfaced roads will be installed by the boring method. The bore shall be at least three feet below the flow line of all ditches and a deposit of one thousand dollars (\$1000.00) shall be made payable to the Village in the form of cash, bank check, certified check or money order from any damage caused by the laying, maintaining and repairing of the pipeline. This money shall be paid before the boring is commenced, and will be refunded by the Village if in its opinion, the right of way traversed by the pipeline is restored in as good condition as it was before the line was laid.

- (h) All gas well heads, oil storage tanks and separator units shall be placed not nearer than 500 feet from the right of way of the highway, street or railroad tracks or subject tract boundary, and not nearer than 250 feet from any residence dwelling or public building. The wells, storage tanks and separator units shall also comply with the rules and regulations of the Division of Oil and Gas of the Ohio Department of Natural Resources, including, but not limited to, the minimum acreage requirements and minimum distances from boundaries of tracts, drilling units and other wells.
- (i) Landscaping and clean up at the completion of drilling operations shall conform to the contour of the land.
- (j) A gate of sufficient construction so as to prevent unauthorized vehicles on access roadway shall be constructed at a distance of fifty feet from the highway right of way.
- (k) No fires shall be permitted within 100 feet of any gas well or storage tank.
- (l) In order to protect the Village roads both to damage and dirt, a bond in the minimum amount of fifteen thousand dollars (\$15,000) shall be made payable to the Village. The amount of the bond required may be set at a higher figure, based on the miles of roads to be traveled within the Village and the condition of the roadways, as decided by the Street Superintendent.
- (m) A sign listing the name and phone number to be called in case of emergency shall be located on or near each well.
(Ord. 90-00. Passed 12-18-00.)

CHAPTER 1163
Off-Street Parking and Loading

1163.01	Required	1163.05	Off-street loading.
1163.02	Size and access.	1163.06	Number of spaces required.
1163.03	Number of spaces required.		
1163.04	Surface of parking areas or spaces.		

CROSS REFERENCES

Parking space defined - see P. & Z. 1121.01(a)(40)
 District regulations - see P. & Z. Ch. 1133
 Supplementary regulations - see P. & Z. Ch. 1161
 Entrances and exits - see P. & Z. Ch. 1173
 Mobile homes - see P. & Z. 1175.04(b)(6) J.

1163.01 REQUIRED

In all districts, in connection with every residential, business, institutional, recreational, industrial or any other use, there shall be provided, at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. (Ord. 90-00. Passed 12-18-00.)

1163.02 SIZE AND ACCESS.

Each off-street parking space shall have an area of not less than 200 square feet (10' x 20' minimum) exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of a dwelling, no parking area provided hereunder shall be established for less than three spaces. (Ord. 28-2006. Passed 4-17-06.)

1163.03 NUMBER OF SPACES REQUIRED.

The number of off-street parking spaces required shall be as set forth in Section 1163.06. In the case of any building, structure, or premises, the use of which is not specifically mentioned and to which the use is similar, the decision of the Planning Commission's "Site Plan Review" shall apply. (Ord. 90-00. Passed 12-18-00.)

1163.04 SURFACE OF PARKING AREAS OR SPACES.

All parking areas, passageways and driveways, except when provided in connection with single-family residences, shall be surfaced with a dustless, durable all-weather pavement, clearly marked for car spaces and shall be adequately drained. (Ord. 90-00. Passed 12-18-00.)

1163.05 OFF-STREET LOADING.

In any district, in connection with every building, building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or business uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

One loading space for each 8,000 square feet or fraction thereof of gross floor area or as may be required by the Planning Commission.

The loading berth required in each instance shall be not less than twelve feet in width, twenty-five feet in length and fourteen feet in height, and shall not occupy any part of any required yard. (Ord. 90-00. Passed 12-18-00.)

1163.06 NUMBER OF SPACES REQUIRED.

(a) The following is a schedule of off-street parking and loading requirements for the Village.

	<u>Uses</u>	<u>Number of Off-Street Parking Spaces Required</u>
(1)	Churches, community	building, social halls or other places of public assembly
(2)	Family dwellings	Two for each dwelling unit.
(3)	Restaurants	One for each 50 sq. ft. of floor area or for each two seats, whichever results in the greatest number.
(4)	Retail stores	One for every 100 sq. ft. ground floor space of building, plus one for each employee and one for 200 sq. ft. for establishments having more than 2,000 sq. ft. of floor area.
(5)	Banks	One for every 200 sq. ft. of floor space, plus one for every employee.
(6)	Office	One for every 200 sq. ft. but not less than two spaces for each individual office area.
(7)	Automobile service stations	One for every employee, plus two for each service stall, with a minimum of six.

	<u>Uses</u>	<u>Number of Off-Street Parking Spaces Required</u>
(8)	Public schools	Two per classroom in an elementary and junior high school and four per classroom in senior high school, plus one for each four seats for auditorium or gymnasium, whichever has the larger capacity.
(9)	Customary home occupation.	Four for each dwelling unit.
(10)	Nursing and retirement homes	Two for each three beds, plus one for each employee.
(11)	Wholesale establishments	One for each 300 sq. ft. of gross floor area.
(12)	Industrial and research establishments	One for each 500 sq. ft. of gross floor area.
(13)	Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor and other similar organizations.	One for each 500 sq. ft. of gross floor area.
(14)	Nursery schools/kindergartens	Two per classroom plus one per employee.
(15)	Medical buildings	Two spaces for each examining room, plus one for each medical professional and one for each employee.

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

CHAPTER 1164
Construction and Demolition Debris Storage Sites

1164.01	Construction and demolition debris storage management sites.	1164.03	Site material management.
		1164.04	Site closure.
		1164.05	Hours of operations.
1164.02	Site location.		

1164.01 CONSTRUCTION AND DEMOLITION DEBRIS STORAGE
MANAGEMENT SITES.

The location and operation of new sites designated in the Village of Lordstown for the storage and maintenance of construction and demolition debris or the modification or expansion of an existing site will be located only in an industrial zone. The storage sites will be established in accordance with the Ohio Revised Code §§ 3714, 3745, the Ohio Environmental Protection Agency (OEPA), United States Environmental Protection Agency (USEPA), the Trumbull County Solid Waste District and the Codified Ordinances of the Village of Lordstown. (Ord. 75-2005. Passed 12-5-05.)

1164.02 SITE LOCATION.

- (a) Shall be no closer than:
- (1) 1,000 feet of any residential structure, commercial, or religious building or building used for educational purposes.
 - (2) 500 feet of any “environmentally” “natural area”, to include any undisturbed, established or re-established areas intended for scientific, recreational, or educational purposes and any “wetlands” in accordance with the accepted definitions set forth by the Ohio Department of Natural Resources and United States Army Corps of Engineers.
- (b) Shall not allow contamination of any aquifer, stream, lake, river or potable water source as determined by independent hydrologic survey.
- (c) Shall not be within the natural terrain boundaries of a one hundred year flood plain as determined by the Trumbull County Engineer.
(Ord. 75-2005. Passed 12-5-05.)

1164.03 SITE MATERIAL MANAGEMENT.

(a) All material presented for storage at the site may be randomly inspected by a Village representative before being accepting for off-loading or permanent storage.

(b) Material will be accepted only for permanent storage; “tipping” or temporary storage will not be permitted.

(c) Hazardous materials will not be accepted for storage.

(d) Solid Waste, or unidentifiable pulverized debris, shall not be accepted for storage. See USEPA Subtitle D of RCRA. Unacceptable material will be disposed of offsite in a safe and legally determined manner.

(e) Material received each day for storage will be covered with earth before the site is closed for the day.

(f) Operator shall first obtain the approval of the Trumbull County Board of Health for the establishment of a storage site.

(g) Operator shall provide the Village of Lordstown police and fire safety forces access to the storage site for periodic inspection to determine whether the site is in compliance with applicable provisions of the Ohio Revised Code and Codified Ordinances of the Village of Lordstown.

(h) Operator shall provide the Planning and Zoning Administrator for the Village of Lordstown with information confirming the quantities of material stored at the site in order to enforce compliance, oversight and inspection of the storage site.

(i) Operator shall seek approval from the Street Superintendent of the Village of Lordstown as to which streets or public thoroughfares situated within the Village will be utilized to gain access (ingress and egress) to and from the storage site.

(j) Operator shall provide the Police Chief and the Street Superintendent of the Village of Lordstown with information concerning truck traffic accessing the storage site in order to enforce truck weight limitations; and to prevent congested truck traffic along public roads or thoroughfares situated within the Village.

(Ord. 75-2005. Passed 12-5-05.)

1164.04 SITE CLOSURE.

(a) With the cessation of operations, all materials will either be removed or placed in an excavation and completely covered with dirt or integrated with the surrounding natural terrain formations.

(b) With the cessation of operations, all filled in and covered excavations will be replanted or reforested so as to harmoniously integrate with local vegetation.

(Ord. 75-2005. Passed 12-5-05.)

1164.05 HOURS OF OPERATION.

(a) Hours of business and/or operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday.

(b) Any deviation from the stated hours must be authorized by the Council of the Village of Lordstown, upon receipt and approval of a written special request from the operator. (Ord. 75-2005. Passed 12-5-05.)

CHAPTER 1165
Signs

1165.01	Number permitted; compliance	1165.09	Temporary signs.
1165.02	Illumination; rotating signs.	1165.10	Removal of certain signs.
1165.03	Prohibited types.	1165.11	Presumption of responsibility.
1165.04	Permit; exemptions	1165.12	Nonconforming existing signs.
1165.05	Signs in the I-1 Industrial District.	1165.13	Off-premise; location and area.
1165.06	Signs in the B-1/ B-2 Business Districts.	1165.14	Number; placement.
1165.07	Signs in the R-1, R-2 or R-3 Residential District.	1165.15	Exceptions.
1165.08	Political Signs.		

CROSS REFERENCES

Power to regulate billboards and signs - see Ohio R.C. 715.65

Sign defined - see P. & Z. Ch. 1165

Nonconforming uses - see P. & Z. Ch. 1167

1165.01 NUMBER PERMITTED; COMPLIANCE.

For each use not more than two signs of any kind whatsoever shall be permitted. Signs may be erected and maintained only when in compliance with the following provisions, except that for the purpose of this chapter, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation. (Ord. 90-00. Passed 12-18-00.)

1165.02 ILLUMINATION; ROTATING SIGNS.

(a) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(b) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. These requirements shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.

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

1165.03 PROHIBITED TYPES.

The following types or combination of types of signs are not permitted in any district and shall not be erected or constructed in the Municipality:

- (a) Flashing, running, sequential, mechanical, odor or noise emitting signs.
- (b) Signs which contain statements, words or pictures of obscene, pornographic, immoral character or which contain advertising that is false.
- (c) Signs which are designed to imitate or resemble official traffic signs.
- (d) Signs posted on trees or utility poles.
- (e) Roof signs.
- (f) "V" shaped or sandwich type ground signs.
- (g) Signs which obstruct any door, window, fire escape, balcony, platform, ladder, stairway, vent or other means of any ingress and egress from any building.
- (h) No mobile signs on wheels, runners, casters, parked trailers, parked vehicles or other mobile devices shall be permitted within the Municipality, except those on commercial delivery and service vehicles.
- (i) Signs which extend into the public right of way whatsoever.
(Ord. 90-00. Passed 12-18-00.)

1165.04 PERMIT; EXEMPTIONS.

(a) Required. No person shall erect, alter or relocate any sign or other advertising structure except those exempted in subsection (e) hereof within the Village without first obtaining a sign permit from the Zoning Administrator and making payment of the required fee except that repairs or maintenance not involving structural changes may be permitted without first obtaining a permit.

(b) Application. Application for sign permits shall be made upon blanks provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- (1) The name, address and telephone number of the applicant and owner of the premises;
- (2) The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
- (3) Such other information as the Zoning Administrator shall require to show full compliance with this and all other ordinances of the Municipality.

(c) Revocability of Permits. All rights and privileges acquired under the provisions of this chapter or any amendment hereof are mere licenses granted for the duration of the requested use only, and are revocable upon showing just cause by the Zoning Administrator.

All permits shall contain this provision. All permits are conditioned upon the continued use of the premises or business for the purpose set forth in the application for the permit.

(d) Authority to Revoke. The Zoning Administrator is hereby authorized to revoke any permit issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

(e) Permit Exemption. The permit provisions of this section shall not apply to the following signs:

- (1) Nonilluminated real estate signs not exceeding six square feet in area in a residential zone, twenty-five square feet in a B-1 or B-2 zone, one hundred square feet in area in an industrial district; such signs are those which advertise the sale, rental or lease of the premises upon which they are located;
- (2) Nonilluminated signs not exceeding twenty square feet in area which advertises the sale or development of lot subdivisions containing an area of not less than seven lots, erected upon the property so developed and advertised for sale;
- (3) Nameplates not exceeding two square feet in area, containing only the name of the resident, the title of the person practicing a profession, the name of the building or property, the name of the agent and the hours and days of operation;
- (4) Signs not exceeding twenty-five square feet in area erected upon the premises of a place of worship, funeral home or public institution for the purpose of displaying the name of the institution and its activities or services;
- (5) Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding twenty-five square feet in area;
- (6) Memorial signs or tablets, name of buildings and dates of erection, provided that such signs do not exceed two square feet in area;
- (7) Traffic or other Municipal or State signs, legal notices, railroad crossing signs, danger and temporary emergency signs as may be approved by Council;
- (8) Temporary signs as provided in Section 1165.09;
- (9) Signs related to the sale of agricultural products raised on premise provided they meet size and location requirements.
(Ord. 90-00. Passed 12-18-00.)

1165.05 SIGNS IN THE I-1 INDUSTRIAL DISTRICT.

Permits shall be issued by the Zoning Administrator only for signs in compliance with the following regulations:

- (a) Number of Signs. No industrial entity shall erect more than two signs other than miscellaneous on premise directional signs. Such miscellaneous directional signs may not exceed more than twenty in number and six square feet each in area, respectively.

- (b) Size of Signs. No sign shall exceed 200 square feet in area in an I-1 District.
- (c) Height of Signs. No sign in the I-1 Industrial District shall exceed in any way the height of thirty feet.
- (d) Wall Signs. Wall signs meaning those signs painted on, attached to or erected against a wall of a building or structure, with the exposed face of the sign in a place parallel to the plane of the wall shall be permitted in addition to other signs, provided that such wall signs do not exceed two square feet in size for each lineal foot of width of the building or structure of the industrial entity on that lot. No wall sign shall exceed 1,000 square feet in area. In situations involving two or more industrial entities one sign shall be permitted in addition to the above provided signs for each entity not to exceed six square feet in size. Such additional signs shall be attached to the main sign(s).
- (e) Temporary Signs. Signs clearly temporary in nature, not exceeding twenty-five square feet in size, may be placed on the premises. Such signs shall not be in place more than thirty days. (Ord. 90-00. Passed 12-18-00.)

1165.06 SIGNS IN THE B-1/B-2 BUSINESS DISTRICTS.

- (a) Number of Signs. No business shall erect more than two signs, other than miscellaneous on premise directional signs. Such miscellaneous signs shall not exceed ten in number or more than three square feet in area respectively. Nationally advertised credit card signs shall not exceed four square feet in area and shall be counted as a miscellaneous sign.
- (b) Size of Signs. No sign shall exceed fifty square feet in size.
- (c) Height of Signs. No (pole) sign shall exceed twenty feet in height to the top of sign and shall not have less than eight feet from the bottom of the sign to the finished grade.
 - (1) Ground signs. No ground sign shall exceed five feet to the top of the sign.
- (d) Wall Signs. Wall signs meaning those signs painted on, attached to or erected against a wall of a building or structure, with the exposed face of the sign in a place parallel to the plane of the wall shall be permitted in addition to other signs, provided that such wall signs do not exceed two square feet in size for each lineal foot of width of the building or structure of the business entity on that lot. No wall sign shall exceed 1,000 square feet in area. In situations involving two or more businesses, one sign shall be permitted in addition to the above provided signs for each entity not to exceed six square feet in size.
- (e) Temporary Signs. Signs clearly temporary in nature, not exceeding twenty-five square feet in size, may be placed on premises. Such signs shall not be in place more than thirty days. (Ord. 90-00. Passed 12-18-00.)

1165.07 SIGNS IN THE R-1, R-2 OR R-3 RESIDENTIAL DISTRICT.

For each use not more than two signs of any kind whatsoever shall be permitted. The following types of nonilluminated, nonadvertising signs may be erected in the R-1 District, such signs however, are still subject to all other regulations provided for in this chapter:

- (a) Nameplates and identification signs not to exceed two square feet in area.
- (b) Temporary sale or rental signs not to exceed twenty-five square feet and may not be displayed more than six months in any calendar year.
- (c) Temporary development signs during construction, repairs or alterations not to exceed twenty-five square feet in size.
- (d) Signs exempted in Section 1165.04.
- (e) No sign in the R-1, R-2 or R-3 District shall exceed twenty-five square feet in size. (Ord. 90-00. Passed 12-18-00.)

1165.08 POLITICAL SIGNS.

Political signs may be placed in any district provided such signs do not exceed twenty-five square feet in area, extend in any way into the public right of way or are placed without the permission of the respective property owner. Such signs may be placed no sooner than thirty days before an election and must be removed within ten days after an election. No political sign shall be displayed longer than forty days. No permit shall be required for political signs. (Ord. 90-00. Passed 12-18-00.)

1165.09 TEMPORARY SIGNS.

Temporary cloth signs, banners, streamers, etc., may be suspended over public property by special permission of Council. Provided, however, that the Mayor or President Pro Tem of the Council of the Village of Lordstown shall be authorized to grant special permission for the use of temporary signs and to waive all requirements for a surety bond or liability insurance policy for a period not to exceed thirty (30) days. The purpose of such temporary signs shall be for civic or community affairs of public or semipublic nature and not for private gain. A surety bond in an amount as may be determined by Council and conditioned on the faithful observance of the provisions of this chapter, and which shall indemnify and save harmless the Municipality from any and all judgments, costs or expenses which the Municipality may incur or suffer by permitting the erection of any temporary sign as hereinbefore mentioned, may be required by Council from the person desiring to erect or suspend such temporary sign. Alternatively, Council may require the liability insurance policy, issued by an insurance company authorized to do business in the State, in lieu of such bond. (Ord. 90-00. Passed 12-18-00.)

1165.10 REMOVAL OF CERTAIN SIGNS.

(a) Any sign now or hereafter existing which no longer advertises a bona fide business conducted upon the premises or no longer serves the purpose for which it was intended, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within fifteen days after written notification from the Zoning Administrator.

(b) Notice shall be given by registered mail to the latest permit holder or to the property owner, or to such owner's spouse or agent, or the person otherwise in charge of such sign or premises. In the event no such named person may be found or, when deemed proper by the Zoning Administrator, the sign or premises shall be posted with the notice to remove the sign.

(c) Failure to remove a sign pursuant to a proper order shall be a violation of this Zoning Ordinance and subject to the penalties set forth in Section 1125.99.
(Ord. 90-00. Passed 12-18-00.)

1165.11 PRESUMPTION OF RESPONSIBILITY.

The occupant of any premises upon which a violation of any of the provisions of this chapter is apparent or the owner of any sign placed or remaining anywhere in violation of any of the provisions of this chapter shall be deemed prima-facie responsible for the violation so evidenced and subject to the penalty provided therefor.
(Ord. 90-00. Passed 12-18-00.)

1165.12 NONCONFORMING EXISTING SIGNS.

Every sign or other advertising structure lawfully in existence on the effective date of this chapter, shall not be replaced, altered or relocated, except as such may be required by law or resolution, unless it is made to comply with the provisions of this chapter.
(Ord. 90-00. Passed 12-18-00.)

1165.13 OFF-PREMISE; LOCATION AND AREA.

- (a) Shall not exceed eight square feet in size.
 - (b) Must be at least ten feet from the side and back yard lines of the property.
 - (c) Must be at least ten feet from any and all road and highway rights of way on which any lot with a sign abuts.
 - (d) Shall not be placed so as to obstruct the view of any motorist.
 - (e) Shall not be located on land zoned residential.
- (Ord. 90-00. Passed 12-18-00.)

1165.14 NUMBER; PLACEMENT.

- (a) No more than two signs as defined in the Zoning Ordinance shall be placed on any one premises.
 - (b) If two signs are erected on one premises there shall be a minimum of ten feet between such signs.
- (Ord. 90-00. Passed 12-18-00.)

1165.15 EXCEPTIONS.

(a) Section 1165.14 does not apply to any sign which is not visible to motorists or pedestrians on any public highway, street or alley, nor to any specific information panel for the direction of motorists which may be located, under authority of statute, on any highway property of the State or Village.

(b) Section 1165.14 does not apply to temporary political signs.
(Ord. 90-00. Passed 12-18-00.)

CHAPTER 1167
Nonconforming Uses

1167.01	Continuance of existing nonconforming uses.	1167.04	Nonconformity for other than use.
1167.02	Nonconforming use of land.	1167.05	Restoration.
1167.03	Nonconforming use of buildings.		

CROSS REFERENCES

Nonconforming lot defined - see P. & Z. 1121.01(a)(31)
 Nonconforming use defined - see P. & Z. 1121.01(a)(63)
 Supplementary regulations - see P. & Z. Ch. 1161

1167.01 CONTINUANCE OF EXISTING NONCONFORMING USES.

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of this Zoning Ordinance may be continued, although such uses do not conform to the standards specified in this Zoning Ordinance for the district in which such land or building is located. However, no land shall be subdivided so as to create a nonconforming lot, use, building or other structure, or make a nonconforming lot, use, building or other structure more nonconforming from the effective date of this Zoning Ordinance.
 (Ord. 90-00. Passed 12-18-00.)

1167.02 NONCONFORMING USE OF LAND.

Where no building or structure is involved, the nonconforming use of land may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Zoning Ordinance, unless specifically allowed by other provisions in the Zoning Ordinance, nor shall any such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this Zoning Ordinance; provided, further, that if such nonconforming use of land, or any portion thereof, ceases for any reasons for any continuous period of more than one year, or is changed to a conforming use, any future use of land shall be in conformity with the provisions of this Zoning Ordinance. No nonconforming use of land shall be changed to another nonconforming use.
 (Ord. 90-00. Passed 12-18-00.)

1167.03 NONCONFORMING USE OF BUILDINGS.

A building or structure (except one used for residential purposes including its accessory structures), including a sign, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended. Such sign or nonconforming building shall not be structurally altered to an extent greater than fifty percent (50%) of its equalized assessment valuation, unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided further that any such nonconforming use may be extended throughout any parts of the building which were arranged or designed for such use at the time of the adoption of this Zoning Ordinance. A nonconforming use may be changed only to a conforming use. If any nonconforming use of a building or sign ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if the building in or on which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such building shall be in conformity with the standards specified by this Zoning Ordinance for the district in which the building is located. If any building or sign in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any sign or building thereon shall be in conformity with the standards specified by this Zoning Ordinance for the district in which such land, building or sign is located. (Ord. 90-00. Passed 12-18-00.)

1167.04 NONCONFORMITY FOR OTHER THAN USE.

A building that is conforming in use but which does not conform to the height, yard, land coverage, parking or loading space requirements of this Zoning Ordinance, shall not be considered to be nonconforming within the meaning of Section 1167.03. No permit shall be issued that will result in the increase of any such nonconformity.
(Ord. 90-00. Passed 12-18-00.)

1167.05 RESTORATION.

(EDITOR'S NOTE: Former Section 1167.05 was repealed by Ordinance 33-99, passed April 19, 1999.)

(c) Front of Commercial Property Abutting a Roadway. Wherever property used for commercial purposes directly abuts a roadway, such property abutting the roadway shall contain a landscaped buffer area not less than ten feet in width, and beginning no less than three and no more than ten feet from the road right of way.

(d) Side and Rear Yards of Commercial Property Abutting Residential Property. Wherever property used for commercial purposes directly abuts property used for residential purposes, such property shall contain a buffer area no less than two feet from the property line of the property used for residential purposes. The buffer shall contain a masonry wall or landscaped earthen barrier as in (b) above. (Ord. 90-00. Passed 12-18-00.)

1169.02 MAINTENANCE.

(a) Any fences, walls or landscaping installed in accordance with this chapter shall be maintained in good order to achieve the objectives of this chapter.

(b) Any property zoned Industrial or Commercial and having one or more buildings thereon shall keep the property mowed in its entirety as indicated in Chapter 945 of the Codified Ordinances. (Ord. 90-00. Passed 12-18-00.)

CHAPTER 1171
Topsoil Removal

1171.01 Stripping prohibited.

CROSS REFERENCES

District regulations - see P. & Z. Ch. 1133

Landscaping - see P. & Z. Ch. 1169

Natural production uses - see P. & Z. 1175.06(b)(2)

1171.01 STRIPPING PROHIBITED.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Zoning Ordinance.

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

CHAPTER 1173
Entrances and Exits

1173.01 Number; spacing; location.

CROSS REFERENCES

Automobile service stations - see P. & Z. 1175.04(b)(3)

Residential apartments - see P. & Z. 1175.04(b)(5)B.1.

Mobile homes and trailer parks - see P. & Z. 1175.04(b)(6)I.

1173.01 NUMBER; SPACING; LOCATION.

(a) Number and Spacing. There shall be no more than one entrance and exit per establishment on any individual public street and the distance between the entrance and exit centerline, if separate, shall not be less than 100 feet in any instance.

(b) Width. No entrance or exit shall have a width greater than fifty feet.

(c) Location. The centerline of any such entrance or exit shall not intersect any street lines less than seventy feet from the intersection of any two street lines.
(Ord. 90-00. Passed 12-18-00.)

CHAPTER 1175
Special Use Permits

1175.01 Procedure.
1175.02 Standards.
1175.03 Site plan approval.

1175.04 Supplementary standards
and regulations.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1127

Districts and boundaries generally - see P. & Z. Ch. 1131

Use regulations - see P. & Z. Ch. 1135

Supplementary regulations - see P. & Z. Ch. 1161

1175.01 PROCEDURE.

Application for a zoning permit shall be made to the Zoning Administrator prior to the commencement of the excavation for, or the construction of, any building or structure, or the use of land. If, upon receipt of such application, the Zoning Administrator determines that the excavation, construction of use of land for which the application is made, requires the issuance of a special use permit, he shall, within five days of its receipt, forward the application to the Zoning Board of Appeals.
(Ord. 90-00. Passed 12-18-00.)

1175.02 STANDARDS.

Special use permits may be authorized by the Zoning Board of Appeals only upon satisfaction of each instance of such condition as to the general character, height and use of structure or structures; the provision of surrounding open space and treatment of grounds; the general fitness of the structure or use to its proposed location; the provision for automobile parking or storage; and the street capacity and use in the opinion of the Board, may be necessary to safeguard public health, comfort, convenience and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted. Specifically, the standards established by Chapter 1133 and 1137 shall be applied as they may be applicable to a specific request for a special use permit. To assist the Zoning Board of Appeals in its determination, an application for special use permit shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.
(Ord. 90-00. Passed 12-18-00.)

1175.03 SITE PLAN APPROVAL.

(a) Procedure.

- (1) Application to Zoning Administrator. Application for a special use permit for special uses as listed in Chapter 1135 shall be made to the Zoning Administrator in accordance with Section 1175.01.
- (2) Action by the Zoning Board of Appeals. If, according to Chapter 1133 to 1137, the excavation, construction or use of land for which application for a permit has been made, requires the issuance of a special use permit, the Zoning Board of Appeals shall hold a public hearing on the application for a special use permit and after such hearing on the application shall direct the Zoning Administrator to issue a special use permit for the excavation, the construction or the use of the land in accordance with a site plan approved by the Zoning Board of Appeals.

The breach of any condition, safeguard or requirement shall automatically invalidate the special use permit.

(b) Material to be Submitted by Applicant.

- (1) Vicinity Map. The Vicinity Map shall be drawn at a scale of 2,000 feet to the inch or larger and show the relationship of the proposal to existing community facilities that may affect or serve it, such as roads, shopping areas, schools, etc. It shall also show all properties, subdivisions, streets and easements within 500 feet of the property on which the use for which application is made is proposed to be situated. Such a sketch may be superimposed on a United States Geological Survey map of the area.
- (2) Topographic Map. The Topographic Map of the property on which the use for which application is made is proposed to be situated shall be drawn at the scale of 100 feet to the inch or larger, shall show existing topography or a contour interval of not more than five feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use such as watercourses, swamps, rock outcrops and single trees eight or more inches in diameter.
- (3) Site Plan. This map of the property on which the use for which application is made is proposed to be situated shall be drawn at the same scale as the Topographic Map in subsection (b)(2) hereof and shall show the location of all automobile parking, and all parking for commercial vehicles while loading and unloading, the location and width of all driveways, exits and entrances, the location of any outdoor storage areas, the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences, provide a description and the location of sewage disposal facilities, show the location and size of all signs, the location of proposed buffer areas and the designs of lighting facilities.
- (4) Elevations and/or sections. The required site plan by elevations and/or sections at the same or larger scale as required for the site plan drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other structures included in the proposal for which application for a certificate is made. (Ord. 90-00. Passed 12-18-00.)

1175.04 SUPPLEMENTARY STANDARDS AND REGULATIONS.

(a) Special Use Requirements. Special uses, as enumerated in Chapter 1135, shall be permitted only upon authorization by the Zoning Board of Appeals, provided that such uses shall be found by the Zoning Board of Appeals to comply with the following requirements and other applicable requirements as set forth in this Zoning Ordinance.

- (1) The use is a permitted special use as set forth in Chapter 1135.
- (2) The use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience shall be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) Adequate landscaping and screening is provided as required herein.
- (5) Adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (6) The use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large scale development.

(b) Additional Standards for Certain Special Uses. A special use shall conform in all respects to all the regulations of this Zoning Ordinance and particularly to those regulations in Chapter 1135 and 1137 for the Zone District in which the special use is located, except that the following additional regulations shall apply to the following special uses:

- (1) Riding academies, public stables and kennels. Minimum distance from the street line to any building shall be 125 feet. Minimum distance from any side or rear lot line to any building shall be 250 feet. No storage of manure, or odor or dust producing substance, or any use producing odor or dust shall be permitted within 250 feet of any residence, shore line of a lake, pond, river or stream. Adequate off-street parking shall be provided.
- (2) Natural production uses. Natural production uses include quarry, sand and gravel pits, topsoil removal and major excavating, grading or filling where permitted in this Zoning Ordinance and shall be subject to the following conditions:
 - A. Extractive Operations. Extractive operations shall not be conducted closer than 200 feet to the adjacent property. The front setback of 100 feet shall apply from the existing right of way in accordance with Chapter 1135. A location map which shows land to be quarried or mined and the location of adjacent properties, roads and natural features shall be filed with the Zoning Board of Appeals. A plan for the restoration of the land, including anticipated future use of the restored land, the proposed final topography indicated by the contour lines of no greater interval than five feet, steps which will be taken conserve the topsoil and the location of future roads, drainage courses, or other improvements contemplated shall be submitted to the Zoning Board of Appeals for approval.

- B. Approval. Upon approval of the plan the Zoning Board of Appeals shall issue a Use Permit for a period of two years. Application for renewal of the permit shall be made to the Board. The Board shall extend the permit from year to year if it finds that restoration of the landscape is proceeding at a pace commensurate with the earth removal operations.
 - C. Operation. In the operation of any quarry, sand, topsoil or gravel pit the following shall be observed:
 - 1. No excavation, blasting or stock piling of materials shall be located within 300 feet of any public road or other property line.
 - 2. No power activated sorting machinery shall be located within 600 feet of any public road or other property line and all such machinery shall be equipped with satisfactory dust eliminating devices.
 - 3. All excavation slopes in excess of fifty percent (50%) shall be adequately fenced as determined by the Zoning Administrator.
 - 4. Extension of a nonconforming quarry operation shall not be permitted.
 - 5. Major excavating, grading or filling as herein defined shall not be permitted except with the approval of the Zoning Board of Appeals.
- (3) Automobile service stations. Automobile service stations where permitted in this Zoning Ordinance shall be subject to the following conditions:
- A. Location of Exits and Entrances. No automobile service station or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital or public library and such access shall not be closer to any intersection than thirty feet.
 - B. Location of Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty feet to any property line.
 - C. Gasoline Pumps. Automobile service stations shall have their gasoline pumps, including other service facilities, set back at least thirty feet from any street line.
- (4) Mobile home and trailer parks. Mobile homes and trailer parks where permitted by this Zoning Ordinance shall be subject to the following conditions:
- A. Location. Mobile homes shall not be permitted in the Village except in mobile home parks or house trailer parks.
 - B. Park Size. Minimum acreage for mobile homes and trailer parks is twenty acres.
 - C. Lot Size. Each mobile home lot shall have a minimum lot size of 6,000 square feet per unit and have a minimum of fifty feet of road frontage and a minimum depth of 120 feet and only one mobile home permitted on one lot.

- D. **Setback Line.** There shall be a minimum of twenty feet set back from the right of way of the road or street.
- E. **Side Yard Clearance.** There shall be a minimum side yard clearance of ten feet with a clearance of twenty feet of open space between mobile homes/trailers at the sides and at the rear.
- F. **Rear Lot Area.** There shall be a minimum of ten feet rear lot area and a minimum of twenty feet open space between mobile homes or trailers.
- G. **Anchors.** Each mobile home or trailer lot shall be provided with anchors and tie-down such as cast-in-place concrete “dead men” eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home or trailer.
- H. **Skirting.** Each mobile home or trailer shall be skirted, entirely closing the bottom section, within ninety days after its placement.
- I. **Traffic Access.** All traffic access shall meet minimum standards as set forth in the Village Subdivision Regulations.
- J. **Parking Areas.** Two spaces shall be provided for each mobile home or trailer.
- K. **Underground Utilities.** Within each mobile home or trailer park, all utility lines, including those for electricity and telephone service, shall be located underground.
- L. **Public Utilities.** Adequate public water and sewerage disposal facilities shall be required for all mobile house, home or trailer parks.
- M. **Service and/or Accessory Buildings.** Service and/or accessory buildings may be provided by the management for offices, repair and storage, laundry facilities and indoor recreation areas. No such building shall be located closer than fifty feet from any mobile home or trailer.
- N. **Accessory Building for Mobile Home or Trailer.** An accessory building for a mobile home or trailer in a mobile home park or trailer park shall have the same setback, side yard clearance and rear lot clearance as the mobile home or trailer.
- O. **Permit for Extreme Hardship.**
 - 1. Mobile homes or trailers other than those used during construction of a home or building as set forth in this section, shall be permitted in any district upon the showing of extreme hardship or need on the part of the applicant. The permit shall be issued by the Board of Zoning Appeals only and shall be subject to the following conditions:
 - (A) The permit shall be for a term of six months.
 - (B) An extension for an additional six months may be granted by the Board of Zoning Appeals upon application and upon a showing by the applicant that the hardship continues.

2. The provisions of Section 1175.04(b)(4) shall not apply to the use of temporary trailers, except that any of such provisions may be made a part of the temporary permit issued by the Board of Zoning Appeals if, in the judgment of the Board the provision would be in the best interest of the public health, safety and welfare.
- P. Temporary Trailers. Temporary trailers shall be permitted when located at a place approved by the Zoning Administrator while the home or building is under construction, providing, however, that the following conditions are satisfied:
1. The trailer shall be self-contained by having water and sanitary facilities built in.
 2. The permit shall be for a six month period.
 3. Construction shall be continued on the regular dwelling or building accommodations during the six month period.
 4. An extension for an additional six months may be granted within the discretion of the Zoning Administrator.
 5. The permit fee for the temporary trailer shall be fifteen dollars (\$15.00).
 6. The Zoning Administrator may grant a Special Use Permit for the limited purpose of utilizing on a temporary basis a trailer or mobile home during construction, reconstruction or renovation of a residence or building premises needed as a result of damage or destruction due to fire or other natural causes which in the sole and exclusive judgment of the Zoning Administrator is deemed to be an emergency situation provided, that such Special Use Permit shall only be effective until the next regularly scheduled meeting of the Board of Zoning Appeals, at which time issuance of the special use permit must be ratified and approved by the Board of Zoning Appeals. If the Board of Zoning Appeals does not ratify issuance of the Special Use Permit within sixty days of issuance by the Zoning Administrator then it shall automatically expire.
- (5) Nursery schools. Nursery schools where permitted in this Zoning Ordinance shall be subject to the following conditions:
- Nursery schools (child care centers) located in the R-1, R-2 or R-3 Residential District only shall be located not less than twenty feet from any other lot, provided there is established and maintained in connection therewith, a completely fenced and screened play lot.
- (6) Salt water brine injection wells.
- A. The drilling of salt water brine injection wells shall not commence until a special use permit shall have been obtained.

- B. Such a special use permit shall be issued by the Zoning Administrator, following a public hearing before the Board of Zoning Appeals, and the approval of the issuance of such permit by a majority of the total membership of the Board at a meeting at which a quorum is present. A payment of five hundred dollars (\$500.00) shall be made for such permit.

- C. Injection wells may be drilled only on property zoned for industrial use.
- D. All injection wells and storage tanks and ponds shall be placed not nearer than 500 feet from the right of way of the highway or street or railroad tracks or subject tract boundary, and not nearer than 250 feet from any residence or public building. The wells, storage tanks, and ponds shall also comply with the rules and regulations of the Ohio and Federal Environmental Protection Agencies and the Division of Oil and Gas of the Ohio Department of Natural Resources, including, but not limited to, minimum acreage requirements and minimum distance requirements from boundaries of tracts, drilling units and other wells.
- E. There shall be no surface pipelines leading from, to, or between salt water injection wells. All surface pipelines shall be buried to a depth of eight feet.
- F. The property encompassed in the radius area of review of a proposed injection well shall be owned by and in the possession of the individual or firm which proposes to drill and operate the injection well; and shall be totally within an area zoned Industrial.
- G. Wells shall be drilled such that injection shall be into or below the Newburgh Zone.
- H. All roadways to the well and brine storage tanks or ponds shall be slagged, graveled, or paved with asphalt or concrete in a satisfactory manner.
- I. Any damage done to Village roadways in the course of drilling and operation shall be repaired, or payment shall be made to the Village for all expenses incurred by the Village in making the necessary repairs.
- J. If Village roads or streets are traveled in the course of drilling or operation a salt brine injection well, a bond in the minimum amount of fifteen thousand dollars (\$15,000), shall be made payable to the Village. The amount of the bond required may be set at a higher figure, based on the miles of roads to be traveled within the Village and the condition of the roadways, as decided by the Street Superintendent.
- K. All equipment to be free of mud prior to entering public roads from the well site.
- L. No loading or unloading of brine is to be made from public roads; blocking roads is prohibited at all times.
- M. Landscaping and cleanup at the completion of drilling operations shall conform to the contour of the land.
- N. A gate of sufficient construction so as to prevent unauthorized vehicles on access roadway shall be constructed at a distance of fifty feet from the highway right of way.
- O. A concrete pad with drain shall be erected at the injection site to contain spillage during unloading.

- P. Settling ponds shall be lined with polyethylene of a minimum thickness of sixty millimeters.
- Q. If open tanks or ponds are maintained on a well site, then the site shall be fenced with an eight foot chain link fence. The gate shall be locked when no employees of the owner are on site, and warning signs shall be erected and maintained on the fence.
- R. A sign listing the name and phone number to be called in case of emergency shall be located on or near each well.
- S. Injection shall be supervised by employees of the owner of the well.
- T. Drivers of brine-hauling vehicles shall be employees of the owner of the well.
- U. Documentation of loads hauled and gallons injected shall be filed in the Village Zoning Office on a quarterly basis.
- V. No liquids or waste matter from any source other than salt water brine from oil and gas operations or standard well treatment fluid shall be injected into brine injection wells.
- W. No fires shall be permitted within 100 feet of any well, storage tank or pond.
- X. Injection well sites may be inspected, without notice, by the Village Zoning Administrator.
- Y. Injection wells shall be plugged and abandoned within sixty days of discontinuance of injection operations, and notice of discontinuation shall be filed in the Village Zoning Office.
- Z. Upon transfer of ownership of the well and site property, the Village Zoning Administrator shall receive thirty days notice. Notice of transfer shall include the prospective transferee's name, address and phone, and shall state a phone number where the prospective owner may be contacted in case of emergency.
- AA. The owner of the well shall be held strictly liable for environmental damage resulting from the hauling, storage, disposal or injection of salt water brine to, from, at or into the well.
- BB. If substantial environmental damage is caused by the existence, operation, maintenance or injection processes of an injection well, or by spillage or leakage from brine-hauling trucks, the well may be ordered plugged and abandoned by action of Council, with or without a finding of fault on the part of the well owner.
- CC. Any violations of subsections (6)A. to W. shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) for each offense. Each day in which a violation exists shall constitute a separate offense.
- DD. All requirements of this section shall be continuing in nature and be in full force and effect at all times a brine disposal well is in operation regardless of ownership.

- (7) Prohibition against disposal of oil well residue and brine.
- A. No person shall cause or permit petroleum, crude oil, refined oil or a compound, mixture, residue or oil and by-product or filth from an oil well or gas well, oil tank, oil vat, or place a deposit of crude or refined oil, or salt brine from the operation of an oil or gas well, to run into or be poured, emptied, or thrown within the Village except that salt brine may be disposed in approved brine disposal wells. In addition, no person shall be permitted to use any of the aforementioned products or by-products, including salt brine, for dust control within the Village.
 - B. Whoever violates this subsection shall be guilty of a misdemeanor of the first degree. (Ord. 90-00. Passed 12-18-00.)