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LEETONIA VILLAGE, OHIO 44431

Zoning Ordinance

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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND A DISTRICT MAP FOR THE VILLAGE OF LEETONIA, OHIO, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEROF, ALL FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, COMFORT AND GENERAL WELFARE OF THE RESIDENTS OF THE VILLAGE, THROUGH THE REGULATION OF THE USE OF LAND AND BUILDINGS, THE LOCATION, BULK AND HEIGHT OR BUILDINGS AND STRUCTURES BY ESTABLISHING VARIOUS DISTRICTS WITHIN WHICH CERTAIN REGULATIONS SHALL APPLY, AND REPEALING ORDINANCE NO. 97-1791 AND ALL AMENDMENTS THERETO.

WHEREAS, Ohio enabling legislation for Planning and Zoning within municipal corporations is provided in Section 713.01 through 713.27 of the Ohio Revised Code; and,

WHEREAS, the Leetonia Village Planning Commission conducted a study and review of the 2007 zoning ordinance, map and current land use and development within the Village and considered planning goals and objectives for the future of the Village; and,

WHEREAS, as a result of said study and review, the Planning Commission, after public hearing, recommended that Ordinance 97-1791 and all amendments thereto be repealed and, that a new Codified Zoning Ordinance for Leetonia Village be adopted; and,

WHEREAS, Leetonia Village Council, after legal notice and public hearing, desires to accept the recommendation of the Planning Commission and repeal Ordinance No. 97-1791 and all amendments thereto and create a new Codified Zoning Ordinance for Leetonia Village.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LEETONIA, COUNTY OF COLUMBIANA AND STATE OF OHIO, THAT:

ARTICLE 1 – TITLE AND OBJECTIVES

Section 1.1. TITLE

These rules, regulation, procedures and maps shall be know and cited as the Leetonia Village Zoning Ordinance.

Section 1.2. OBJECTIVES

For the purpose of promoting the public health, safety, morals, comfort and general welfare of said village and its residents the provisions of this Ordinance shall be applied as follows:

To preserve and protect existing property uses and values against adverse or unharmonious adjacent uses, land use regulations divide the village into a number of Zoning Districts;

- a. Because of poor drainage, steep slopes and other adverse natural conditions some land area should be kept in their natural state. These would be placed into a conservation District.
- b. Urban area uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks and other community services. Remaining lands should be reserved for rural uses. The regulations include a Rural District for non-urban land uses.
- c. This ordinance furthers residential districts particularly designed to provide maximum protection for single family homes. Another residential district is established for two family homes and for apartments. Density, yard and parking regulations insure acceptable living conditions in these areas. Deregulations include the two residential districts.
- d. Commercial districts recognize different types of commercial areas that will be needed by the future growth of the community. There are three (3) business districts for the typical business facilities in addition to a highways service district for the commercial areas along major streets and highways.
- e. Two industrial district are established, one for light industry and one for heavy or unrestricted industry.

ARTICLE 2 – DEFINITIONS

Section 2.1 Intent

For the purpose of this Ordinance the following terms shall have, throughout this text, the meaning given herein; words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is mandatory and not directive; the word “may” is permissive; the word “Village” shall mean the Village of Leetonia, Ohio; the term “Commission” shall mean the Zoning Commission of said Village; the term “Board” shall mean the Board of Zoning Appeals of said Village; and, the term “Council” shall mean the Council of said Village.

2.1.1. Acceptable or accepted: When not construction qualification are applied to material devices or node of construction, means acceptable to the Housing Inspector pursuant to this Code, or acceptable to any other authority designated by law or this Code to give acceptance in the matter of concern.

2.1.2 Accessory Building: A detached structure located on or partially on any premises and which is not used or not intended to be used for living or sleeping by human occupants.

2.1.3. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

2.1.4. Adult Care Facility: An adult family home or adult group home that provides accommodations and supervision for three (3) to sixteen (16) unrelated adults, at least 3 of whom are provided personal care services. It does not include a nursing home, rest home for the aged, an alcohol treatment center, a rehabilitation center, a residential facility for the mentally ill, a drug treatment facility, a facility licensed by the Department of Mental Retardation and Developmental disabilities, an assisted living facility, a Veterans' Administration facility or a facility that provides only housing, housekeeping, laundry, meal preparation, social and recreational activities and similar services that are not personal care services or skilled nursing care.

2.1.5. Adult Living Facility: A home for three (3) to sixteen (16) unrelated adults that provides supervision and accommodations such as housing, housekeeping, laundry, meal preparation, social and recreational activities and similar services that are not personal care services or skilled nursing care.

2.1.6. Agriculture: Any agricultural use, such as and including farming, dairying, pasturage, animal and poultry husbandry, agriculture, horticulture, floriculture, viticulture and greenhouses for the propagation of nursery stock for the owner's person uses. Agricultural purposes as used herein shall not include the operation of a commercial greenhouse, retail or wholesale or commercial plant cultivation or specialized animal raising and care.

2.1.7. Apartment: A room or suite of room, within a house, intended, designed or used as a residence by a single family.

2.1.8. Apartment Building: A building designed for or containing apartments or suites or rooms for residence.

2.1.9 Area:

2.1.9.a. Floor area: means the total area of all stories or floors finished as lining accommodations, measured to the outside of exterior walls or the center of party walls.

2.1.9.b. Area of a Building: means the floor area taken at mean grade level.

2.1.9.c. Room Area: means the floor area of a room measured inside from rough to rough.

2.1.10. Assisted Living Facility: A multiple-unit residential facility, as defined and limited by Ohio Revised Code Chapter 3726, that provides or arranges for skilled nursing care for one (1) or more individuals who reside in the facility and are not related to the owner or operator of the facility or his spouse as a parent, grandparent, child, sibling, niece, nephew, aunt, uncle, or child of an aunt or uncle.

- 2.1.11. Automotive Repair: Commercial repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service, painting and steam cleaning.
- 2.1.12. Automotive Sales: Commercial sale or rental of new or used vehicles or trailers.
- 2.1.13. Automotive Salvage: Commercial dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.
- 2.1.14. Basement: A story all or partly below ground, but having at least one half of its height below average grade of the adjoining ground. A basement shall be considered a story if used for dwelling purposes.
- 2.1.15. Bed and Breakfast: A single family dwelling within which individual guest rooms are available for meals and lodging for compensation and by prior arrangement for not more than four (4) transient guest for not more than seventy-two (72) consecutive hours. Said use shall not generate traffic in greater volume than would normally be expected in a residential neighborhood and shall comply with all off-street parking requirements.
- 2.1.16. Board: means the Zoning Board of Appeals.
- 2.1.17. Board of Health: means the Board of Health of the Columbiana County.
- 2.1.18. Boarding House: A building, other than a hotel, or apartment hotel where, for compensation and by rearrangement for definite periods, lodging, meals, or lodging and meals fare provided for three or more persons.
- 2.1.19. Building: Building shall include the word “structure” unless otherwise noted, and is a structure, permanently affixed to or permanently located on the land, having one or more floors and a roof, being bounded by either open space or lot lines and used as a shelter or enclosure for persons, animals and /or property.
- 2.1.20. Building. Front Line of: The line of that face or front of the building nearest the front line of the lot. This face includes sun parlors, decks, and covered porches, whether enclosed or unenclosed, but does not include steps.
- 2.1.21. Building. Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambler roofs.
- 2.1.22. Building. Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
- 2.1.23. Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises’ or which services and repairs appliances, equipment and machines used in homes or businesses.
- 2.1.24. Cellar: See basement.

2.1.25. Child Daycare Services: A service administering to the needs of three (3) or more children under the age of fifteen (15), or under the age of eighteen (18) if the child is mentally retarded or emotionally handicapped, for part of the 24 hour day be a person or persons other than his caretaker, parent or guardian.

2.1.26. Clinic: An establishment operated or occupied by four (4) or more individuals engaged in professional services.

2.1.27. Commercial Plant Cultivation: The cultivation of crops, horticulture, floriculture and viticulture including fruit trees, nursery stock, truck garden products and similar plant materials for commercial purposes, including the operation of a commercial greenhouse, retail or wholesale.

2.1.28. Commission; Refers to the Planning Commission.

2.1.29. Conditional Uses: An uncommon, unique or infrequent use which shall not be permitted by right but may be permitted in certain districts under specific conditions or prohibited by the commission after making a determination for conformance with the procedures and standards established in Article 4. All such uses shall require a Conditional Use Permit.

2.1.30. Council; means the legislative authority of the Village.

2.1.31. District; means a part of the Village wherein regulations of this Ordinance are divided among.

2.1.32. Dormitory; means a room in a dwelling used as a sleeping room or for sleeping purposes by four (4) or more related persons.

2.1.33. Double House; means a two-family dwelling in which the living units are side by side, each of which has open spaces on at least three sides, and separate means of egress.

2.1.34. Dwelling: Any non-movable building or portion thereof which is designed for or used for residential purposes.

2.1.35. Dwelling – Single Family: A building designed for or occupied exclusively by one family.

2.1.36. Dwelling – Two Family: A building designed for or occupied exclusively for two families.

2.1.37. Dwelling – Multiple Family: A building designed for or occupied exclusively by three or more families.

2.1.38. Dwelling Unit; means any room or group of rooms located within a dwelling or forming a single habitable unit with facilities which are used for living, sleeping, cooking and eating meals.

2.1.39. Enforcement Officer; means the official designated herein, or his authorized representative, who is charged with the responsibility of administering the Zoning Ordinance.

2.1.40. Entertainment Facilities: A facility for an activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals and related uses.

2.1.41. Essential Services: the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety and welfare, but not including buildings other that structures for the purpose of housing the essential services named herein.

2.1.42. Exterior Property Areas: means the open spaces on the premises under the control of the property owner or operators of such premises.

2.1.43. Family; means at least one adult and usually one or more persons legally related to said adult and living in the same dwelling unit.

2.1.44. Fence: a vertical structure erected for privacy or the enclosure of an area.

2.1.45. Financial Services: mean banks, saving and loan associations, credit unions and small loan companies

2.1.46. Flat; means a two family dwelling, or any floor of same, to stories in height, with each floor containing a complete dwelling unit.

2.1.47. Floor Area: or floor Space, means an area of a habitable space in a building or structure, measured width and length from wall to wall.

2.1.48. Flush Water Closet; means a toilet bowl flushed with water under pressure with a water sealed trap above the floor level. Such toilet bowl shall have a smooth, easily cleaned surface.

2.1.49. Garage: A detached accessory building or portion of a main building housing the vehicles of the occupants of the premises. Not more that one (1) of the vehicles may be a commercial vehicle or nor more that two (2) ton capacity.

2.1.51. Gasoline Sales/Convenience Stores: Any building, structure or land used for the purposes of dispensing, selling or offering for sale at retail any automobile fuels, oils or accessories, not including repair work, and /or selling or offering for sale at retail any food, beverages, or commodity commonly found at a convenience store.

2.1.52. Gasoline Service Station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories by not including major repair work, such as motor replacement, body and fender repairs or spray painting.

2.1.53. General Manufacturing: The process of manufacturing, compiling, fabrication assembling or otherwise producing a product from materials or components such as asphalt, concrete and cement making, bleaching and dyeing plants; boiler, machine and structural steel fabricating shops; brewing or distilling of liquors; brick, pottery, tile manufacturing; candle manufacturing; coal, coke and tar products, fertilizers and gelatin; making of paint, lacquer and enamel; foundry work, freight truck yards; lime products; meat packing, melting and alloying of metals; plaster and drywall; reduction, refining smelting of ferrous metals or metal ore; refining petroleum products; rolling mills; rubber; soap, sodium compounds; and similar uses and operations.

2.1.54. Grade: the average level of the finished surface of the ground adjacent to the exterior walls of the building.

2.1.55. Gross Floor Area; means the total area of all habitable space in a building or structure.

2.1.56. Guest; means any person who shares a dwelling unit in a non permanent status for not more than thirty days.

2.1.57. Habitable Room; means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, and utility rooms of less than fifty (50) square feet, foyers or communication corridors, stairways, closets and storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in an attic.

2.1.58. Health Commissioner; means the Health Commissioner of the Columbiana County Health District for his authorized representative.

2.1.59. Home Occupation: An employment performed by the owner on his own private residential dwelling.

2.1.60. Hotel; means a building or part thereof operated as a public inn and containing ten or more rooms for hire to guests of the transient public for compensation and supervised by a person in charge of all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house or an apartment.

2.1.61. Housing Inspector; means the official, or his authorized representative, designated by council to enforce this code.

2.1.62. Infestation; means the presence within or around a dwelling of any insects, rodents, vermin or other pests.

2.1.63. Junk; means any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to use

2.1.64. Junk (Salvage) Yard: Any building and/or open space where waste or discarded materials are stored, processed or sold.

2.1.65. Landscaped Area: an area that is maintained and permanently devoted to the growing of shrubbery, grass, and other plant material.

2.1.66. Level: any floor or a building, all of which lies in the same horizontal plane throughout.

2.1.67. Living Area; means a dwelling or portion thereof providing separate living, cooking, eating, sleeping and sanitary facilities.

2.1.68. Light Manufacturing: The process of manufacturing, compiling, fabrication, assembling or otherwise producing a product from materials or components such as boat building; book binding, bottle plant; box factory; builders supply and storage of building materials; bus storage; cabinet making; canned; carpenter shop; cesspool pumping, cleaning and draining; contractors' equipment; dainty; distributing plants; dry goods; electric appliance assembly; electrical parts; engines; shops; metals; motors; plumbing; printing and engraving; roofing contractors; sheet metal shop; textiles; tools and dies; toys; trailers; truck storage, rental or terminal; valves, storage warehouse; repair welding; wood; and/or similar uses and operations.

2.1.69. Loading Space: a space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14 feet.

2.1.70. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory building, open space and parking spaces required by this Ordinance, and having its principal frontage upon a road or street.

2.1.71. Major Highway: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

2.1.72. Manufacturing: The process of compiling, fabricating, assembling or otherwise providing a product from materials or components.

2.1.73. Motel: A building similar to a hotel but having particularly convenient parking area for automobiles.

2.1.74. Multiple Dwelling; means a building containing more than two dwelling units and/or rooming units.

2.1.75. Non: is a preferred prefix to be used with “combustible and flammable” rather than the prefix 'in”.

2.1.76. Non-Conforming Use: The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district i which it is situated.

2.1.77. Nursing Home: A home used for the reception and care of individuals, who by reason or illness or physical or mental impairment requires skilled nursing care, and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.

2.1.78. Occupant; means any person, over one year of age, living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.

2.1.79. Offices: A building or structure used for the directing headquarters of an enterprise or organization or for the rendering of professional services.

2.1.80. Off-Street Parking Space: Any parking space located wholly off any street, alley or sidewalk, either in an enclosed building or on an open lot.

2.1.81. Operator; means any person who has charge, care, control or management of a building or part thereof in which dwelling units or rooming units are let.

2.1.82. Owner; means any person who, alone or jointly or severally with others, has Legal title to any building or dwelling unit, with or without accompanying actual possession thereof.

2.1.83. Park: a piece of ground set apart and maintained for public use, and laid out in such a way as to afford pleasure to the eye as well as opportunity for open air recreations.

2.1.84. Person; means an individual, firm, corporation, association or partnership.

2.1.85. Personal Services: Any enterprise conducted for gain which primarily offers services t the general public.

2.1.86. Planning Commission: The Planning Commission of the Village.

2.1.87. Plant Cultivation: The non-commercial cultivation of crops, horticulture, floriculture and viticulture including fruit frees, nursery stock, garden products and similar plant materials for personal use or the property owner.

2.1.88. Premises; means a lot, plot or parcel of land, including the buildings or structures thereon.

2.1.89. Privacy; means a condition or arrangement which affords a person or persons the ability to carry out an activity without interruption or interference, either by sight or sound, by unwanted persons.

2.1.90. Professional Services: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, accountants, architects, insurance agents, engineers and realtors.

2.1.91. Public Uses: Any use conducted by a governmental entity for public purposes.

2.1.92. Public Service Facility: A facility for any service operating under authority granted by a governmental body.

2.1.93. Recreational Facilities: Any building, area or use where members of the public may engage in sports or similar recreational activities.

2.1.94. Residential Floor Area: The interior floor area of a dwelling including stairways, halls and closets, but not including basements, porches, garages or carports.

2.1.95. Restaurants: Any building or structure, where in consideration of the payment of money, meals are prepared, sold and served to the public on a regular basis.

2.1.96. Retail Business: any business normally found in a central business district.

2.1.97. Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, curb lawn or lawn strip, sidewalk, lighting and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts and bridges, usually under the control of the State, County or local government.

2.1.98. Rooming House: Any dwelling or part thereof containing one or more rooming units, and/or one or more dormitory rooms.

2.1.99. Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

2.1.100. Semipublic Uses: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

2.1.101. Safety; means the condition of being free from danger and hazards which may cause accidents or disease.

2.1.102. Sign: Any advertisement, announcement, mark or identification, plaque, historical marker, graphic or symbol attached to, placed on or painted upon any building, structure, or land, which display is visible beyond the boundaries of the lot. Such displays attached to movable trailers, or frames, shall be construed to be signs for the purpose of this ordinance.

2.1.103. Social Activities: A use in a building or portion thereof or on premises owned or operated by a corporation, association, person or persons for a social, education or

recreational purpose, but not primarily for profit, or to render a service which is customarily carried on as a business.

2.1.104. Specialized Animal Raising and Care: The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; the stabling and care of horses, animal kennels; pigeon raising; and, the raising of any other domestic animal or birds of a similar nature.

2.1.105. Storage Building: a detached portable or permanent structure designed or constructed for the storage of seasonal tools and implements normally found necessary in conjunction with the care and upkeep of property surrounding a dwelling.

2.1.106. Story: Story is that portion of a building, other than a basement, not used for dwelling purposes, included between the surface of any floor and the surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it.

2.1.107. Street: A street is a public way which affords the principal means of access to abutting property.

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

2.1.109. Supplied; means paid for, furnished by, provided by or under the control of, the owner or operator.

2.1.110. Swimming Pool, Private: Any pool, pond, lake or open tank, where swimming is permitted, not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than twenty-four (24) inches and having at least one hundred fifty (150) square feet of surface.

2.1.111. Tavern: a saloon or place primarily and predominately used for the retail sale of beer, wine and liquor, though food is usually served.

2.1.112. Temporary Housing; means any tent, trailer, mobile home or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty (30) consecutive days.

2.1.113. Trailer: a detached single family dwelling unit designed to be transported after fabrication on its own wheels, or on a flatbed trailer or detachable wheels, designed for long term occupancy.

2.1.114. Transmission Tower: A tower used in connection with the operation of the transmission or receiving of radio, television, mobile telephone, facsimile, or siren broadcasting by a commercially operated broadcasting station licensed by the Federal Communications Commission or other governmental agency.

2.1.115. Warehouse: A building used entirely or mainly for the storage of goods in bulk or large quantities for persons other than the owner or operator of such.

2.1.116. Yard: an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front and/or rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

2.1.118. Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the right of way line and the main building or any projections thereof. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.

2.1.119. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof.

2.1.120. Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot and the side of the main building or any projection thereof.

2.1.121. Zoning Certificate (Permit): The document used by the Zoning Inspector authorizing the use of land or buildings.

2.2.122. Zoning District Map: The zoning district map or maps on the Village, together with all amendments thereto subsequently adopted.

2.1.123. Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Council of the Village.

ARTICLE 3 – DISTRICTS AND GENERAL PROVISIONS

Section 3.1. Districts

The incorporated area of the Village of Leetonia, Ohio, 44431, is hereby divided into districts, know as:

RU	Residential Rural
RC	Residential Conservative
RD	Residential Family
B-1	Business
B-2	Business
B-3	Business
M-1	Light Industrial
M-2	Heavy Industrial

Section 3.2. District Map

The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which is designated as the “Zoning Map”. The map and all the notations, references and other information shown thereon are part of this Ordinance and hove the same force and effect as if the map and all the notation, references and other information shown thereon were all fully set forth or described herein, the original of which is properly attested to and is on file with the Clerk-Treasurer of Council.

No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such changes and entry has been made on said map, at the direction of Council.

No changes of any nature shall be made on the Official Zoning Map or matters shown thereon except in conformity with the procedures ser forth in this Ordinance.

Territory annexed to the Village of Leetonia after the effective date of this Ordinance shall continue to be governed by the Zoning regulations which governed the territory annexed immediately prior to the annexation, as enacted by a board of county commissioners under Section 303.01 to 303.25, Ohio Revised Code or enacted by a board of township trustees under Section 519.02 to 519.23, Ohio Revised Code, as the case may be.

All territory annexed to the Village which is unzoned at the time of annexation shall be placed in the RU Rural District until otherwise changed by Ordinance. As soon as practicable after the annexation of territory to the Village, proceedings shall be instituted by the Planning and Zoning Commission to include the annexed territory in one or more of the Zoning districts defined in this Ordinance as amended.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Clerk-Treasurer of Council, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures.

In the event that the Official Zoning Map becomes damaged, destroyed or lost, the Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Ordinance or subsequent thereof unless the procedures for amendment prescribed herein shall

Section 3.3 District Boundaries

- 3.3.1. The district boundary lines on said map are intended to follow either street or alleys or lot lines; and, where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of dimensions appearing on the Zoning Map or the district boundary shall follow property lines.
- 3.3.2. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the right-of-way line of said railroad line.
- 3.3.3. Whenever any street, alley or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such area vacated, and all such area shall then and henceforth be subjected to all appropriate regulations of the extended district.

Section 3.4. Compliance with Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 3.4.1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, and reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
- 3.4.2. No building or other structure shall hereafter be erected or altered:
 - (a) to exceed the height;
 - (b) to accommodate or house a greater number of families;
 - (c) to occupy a greater percentage of lot area;

(d) to have a narrower or smaller rear yard, front yard, side yard or other open spaces; than herein required or in any other manner contrary to the provisions of this Ordinance

- 3.4.3. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street-parking or loading space similarly required for any other building.
- 3.4.4. No yard or lot existing at the time of passage of this Ordinance shall be reduce in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 3.5. Nonconforming Uses

- 3.5.1. Any lawful use of any dwelling, building, structure or land existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. A non-conforming use of a building may only be changed to a conforming use. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- 3.5.2. Whenever the use of a building or land shall become non-conforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued.
- 3.5.3. A non-conforming use of a building or land or portions thereof which are hereafter voluntarily discontinued for a continuous period of one (1) year shall not again be used except in conformity with the regulations of the district in which such building or land is located.
- 3.5.4. Any building arranged, intended or designed for the non-conforming use, the construction of which has been started at the time of the passage of this Ordinance, but not completed, may be completed and put into such non-conforming use, provided it is done within one (1) year after the Ordinance takes effect.
- 3.5.5. A non-conforming building which has been damaged by fire, explosion, act of God or public enemy may be restored to its prior non-conforming use and condition, provided such repairs or reconstruction are completed within one (10) year of the date of such damage.
- 3.5.6. Any dwelling, building, structure or land in a Business District which is used as a lawful nonconforming residential use pursuant to this section may also be used for

regulations of the Business District without forfeiting the right to continue the nonconforming use provided, however, that such conforming permitted used, accessory uses and conditional uses shall first be approved by the Planning Commission and shall be in compliance with all regulations and requirements applicable to Business District laws and ordinances. Such approval shall be in the form of a Conditions Use Permit and the procedure, standards and regulations for obtaining and maintaining said conditional use permit shall be in accordance with Article 12 of the Ordinance.

Section 3.6 Traffic Visibility Across Corner Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the “corner” or intersecting right-of-way lines at a height of more that three (3) feet above curb or street grade or so as to interfere with traffic visibility across the corner. No fence, structure or planting shall be erected or maintained within the public right-of-way.

Section 3.7. Pending Application for Building Permit

Nothing set forth herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completed thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder’s control.

ARTICLE 4 – DISTRICT USE REGULATIONS

Section 4.1. General

The permitted and conditional uses for each district are shown in Article 4, Section 4.3. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included under this Article shall not be permitted except by amendment of the Zoning Ordinance.

Section 4.2. Use Regulations

Building and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in all zoning districts only for the uses set forth in the following schedule and regulations of this Ordinance.

- 4.2.1. The Main Building and Uses set forth s permitted uses in the Section 4.3., shall be permitted by right as the principal building or use of a lot only in a district in which it is specifically permitted.

4.2.2. The Accessory Building and Uses set forth as permitted accessory uses in Section 4.3., and further regulated in subsequent sections, shall be permitted as a subordinate building or use if it is clearly incident to and if located on the same lot as the main building or use. If set forth as a conditional accessory use, it shall be permitted only under the conditions upon which it is approved.

4.2.3. The Conditional Uses set forth as such in Section 4.3., shall not be permitted by right. Such uses may be permitted under specific conditions or prohibited in certain locations by the Commission after making a determination for conformance with standards set forth in Section 4.3 of this Ordinance. If approved, a Condition Use Permit shall be granted.

Section 4.3. District Regulations

4.3.1. Rural Agricultural District (RA)

4.3.1.a. Permissive Uses: Within the "RU" District, no building, structure or land may be used, designed to be used, or arranged for more than one use as follows:

1. Agricultural activity, single family dwelling, park and forest preserve, church and public schools.
2. Roadside stands for the display and/or sale of agricultural products raised on the land thereof.
3. Golf Course, Greenhouse or Nursery.

4.3.1.b. Conditional Uses:

1. Extraction of coal, sand or gravel, or airport.
2. Public building erected by any Governmental Agency or non profit organization.
3. New Cemetery on sites of not less than twenty (20) acres or the enlargement of existing Cemeteries.
4. Automobile service station, motel, restaurant, garage, farm implement sales and services, and food stores.
5. Privately operated outdoor recreational facilities, including riding stables, lake, public swimming pools, tennis courts and golf courses on sites not less than five acres.

4.3.1.c. Yard and Lot Requirements

- | | |
|---------------|-----------------|
| 1. Front Yard | 50 feet minimum |
| Side Yard | 20 feet minimum |
| Rear Yard | 50 feet minimum |

2. Minimum Lot Area

Single Family	43,569 Square feet
Two Family	N/A
Multiple Family	N/A

3. Minimum Width for all lot area's is 150 feet.

4.3.1.d. Maximum height for any building is thirty five (35) feet.

4.3.2. Rural Conservation District (RC)

4.3.2.a. Permissive Uses: Within the "RC" District, no building, structure or premised may be used, designated to be used, or arranged for more than on use as follows:

1. Agricultural Activity
2. Park or Forest Preserve
3. Golf Course
4. Cemetery

4.3.2.b. Conditional Uses

1. Extraction of coal, sand and gravel.
2. Privately operated outdoor recreational facility, including riding stables, lake, swimming pool, and golf course on a site not less than five (5) acres.
3. Resort and Incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services on site of not less than one acre provided they are protected from flooding.
4. Guest Ranch, hunting and fishing resort, and ski resorts, provided they are not situated on a site less than twenty (20) acres.

4.3.2.c. Yard and Lot Requirements

Minimum Yard Requirements are:

Front Yard	50 feet
Side Yard	20 feet
Rear Yard	50 feet

4.3.2.d. Height Regulations

Maximum height for any building in this district is thirty-five (35) feet.

4.3.3. Residential - 1 (RS)

4.3.3.a. Permissive Uses: Within the "RS" District, no building, structure or premises may be used, designed to be used, or arranged for more than one use as follows:

1. Single Family Dwelling
2. Public Park or Playground
3. Church or Public Schools
4. Large Scale Residential Development

4.3.3.b. Conditional Uses:

1. Private lake, swimming pool, tennis court, nursery or private recreational facility, when such site is located on not less than three (3) acres.
2. Public building erected by a Government Agency.
3. Hospital, nursing home, educational, philanthropic or religious institution, when such site is located on not less than five (5) acres.

4.3.3.c. Yard and Lot Requirements

Minimum Yard Requirements

Front Yard	30 feet
Side Yard	10 feet
Rear Yard	30 feet

Minimum Lot Area

Single Family Dwelling	10,000 square feet
Two Family Dwelling	N/A
Multiple Family Dwelling	N/A

Minimum Width for a single family dwelling lot is eight (80) feet.

4.3.3.d. Height Regulations

Maximum height for any building in this district is thirty-five (35) feet.

4.3.4. Residential - 2 (RD)

4.3.4.a. Permissive Uses: Within the RD District, no building, structure or premises may be used, designed to be used, or arranged for more than one use as follows:

1. All permissive uses of the "RS" District

2. Medical clinic, nursing home, rest or convalescent home.
3. Row house, townhouse or multiple family dwelling where the lot being developed is not less than one (1) acre.
4. Private school.
5. Home based business: the home must be occupied by the owner of the property.

4.3.4.b. Conditional Uses:

1. Public buildings erected by any Governmental Agency.
2. Medical clinic nursing home, rest or convalescent home.
3. Row house, townhouse or multiple family dwelling where the lot developed is no less than one (1) acre.
4. Private school.
5. Home base business: the home must be occupied by the owner of the property.

4.3.4.c. YARD AND LOT REQUIREMENTS

Minimum Yard Requirements:

Front Yard	25 feet
Side Yard	10 feet
Rear Yard	25 feet

Minimum Lot Area:

Single Family Dwelling	9,000 square feet
Two Family Dwelling	10,000 square feet
Multiple Family Dwelling	15,000 square feet

Minimum With for all lot areas is fifty five (55) feet.

4.3.4.d. HEIGHT REGULATIONS

Maximum height for any building in this district is thirty five (35) feet.

4.3.5. BUSINESS DISTRICTS, B-1, B-2, B-3

- 4.3.5.a. PERMISSIVE USES: Within the B Districts, no building, structure or premises may be used, designed to be used, or arranged for more than one use as follows:

1. Apartment above a business.
2. Automobile sales lot, bank, bowling alley, dance hall or skating rinks.
3. Retail sales.
4. Funeral home, hotel or motel, office buildings and gasoline service stations, and/or other businesses of similar character.

4.3.5.b. Conditional Uses

Any of the Permissive Uses, which would require more than one (1) acre of land, with the approval of the Zoning Commissioner, the Zoning Board, and the Council.

4.3.5.c. Yard and Lot Requirements

Minimum Yard and lot requirements as set by the Zoning Commissioner, the Zoning Board of Appeals and the Council on an individually basis.

4.3.5.d. Height Regulations

Maximum height for any building in this district is fifty (50) feet.

4.3.6. INDUCTRIAL DISTRICT, LIGHT - M-1

4.3.6.a. Permissive Uses.

1. Any Permissive Uses of the "B" Districts.
2. Assembly or Manufacturing Plants on a small scale, which provide repairing of equipment, storage, wholesaling, or distribution and further which will not be offensive to the occupants of adjacent premises, or the community at large, by reason of the emissions or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials or odors.

4.3.6.b. Conditional Uses.

Conditional Uses will be decided on individual basis with all recommendations by the Village Administer and/or Zoning Board of Appeals and/or Council. This use will only be intended for Commercial or Light Industrial uses only. Absolutely no family dwelling will be permitted within this District.

4.3.6.c. Yard and Lot Requirements

Minimum yard and lot requirements are to set by Council

4.3.6.d. Height Regulations.

Maximum height for any building in this district is fifty (50) feet.

4.3.7. Manufacturing and Heavy Industrial District - M-2.

4.3.7.a. Permissive Uses:

1. Manufacturing and heavy industrial
2. Machine or fabrication plants
3. Commercial truck terminals.

4.3.7.b. Condition Uses:

Conditional uses shall be in accordance with permission thereafter of The Zoning Board and the Council.

4.3.7.c. Yard and Lot Requirements:

Yard and lot requirements are to set by Council.

4.3.7.d. Height Regulations:

Maximum height for any building in this district is seventy five (75) feet.

Section 4.4. Large Scale Residential Development.

4.4.1. Large Scale Residential developments, where permitted, are subject to the following conditions:

4.4.1.a. The development shall have a minimum area of ten (10) acres.

4.4.1.b. The final development plan shall follow all applicable procedures, standards and requirement of the ordinance governing the District in which the land is located. The final development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice within the State of Ohio. No building permit shall be issued until a final plat of the proposed development is approved by the Zoning Board and the Council and is recorded.

4.4.1.c. The Zoning Board shall review the conformity of the proposed development with the standards of the official Village plan and recognized principles of civic design, land use planning and landscape architecture. The minimum yard and maximum height regulations of the district in which the development is located shall not apply except that minimum yards shall be provided around the boundaries of the area being developed. The Zoning Board may impose conditions regarding the layout, circulation, and performance of the proposed development. A plat of development shall be recorded regardless of whether a

subdivision proposed and such plat shall show building lines, common land, streets, easements and other applicable features required by the ordinance regulating the subdivision of land.

- 4.4.1.d. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family unit required by the district or districts in which the area of development is located. Net development area shall be determined by subtracting the area set aside for churches, schools, or nonresidential uses from the gross development area and deducted twenty (20) percent of the remainder for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.
- 4.4.2. Final Approval. The Zoning Board may hold one or more public hearings on a final development plan. The recommendations of the Board shall be forwarded to the Council who shall approve or disapprove the action of the Board with or without modification and after a public hearing. After approval by Council and after any required restriction are in effect, the Zoning Commissioner may issue applicable permits enabling the approved final development plan to be carried out.

Section 4.5. Prohibited Uses

- 4.5.1. The parking of a discarded motor vehicle, defined as a motor vehicle that is not currently registered by an authorized political agency, within the Village for a period of more than two (2) weeks shall be prohibited unless such vehicle is stored in an enclosed garage, accessory building, or accompanying storage facility.
- 4.5.2. Registered motor vehicles may be declared to be junk vehicle and under the purview of this zoning resolution when the Zoning Inspector of the Village should so inform the owner that on the basis of prima facie evidence that a certain vehicle or vehicles are in such an unsafe/unworthy condition that it or they are in fact considered junk. If, within two (2) weeks after receipt of the above notice in writing from the Zoning Inspector of the Village, the owner is able to present evidence in the form of a certificate from the State Highway Patrol testifying as to the vehicle's worthiness, then the order of the Zoning Inspector of the Village shall be set naught. If such evidence is not presented within the aforesaid two (2) week period then the said vehicle or vehicles shall be considered to be junk vehicles even though it may be currently registered. It shall be the responsibility of the owner of any such vehicle determined to be a junk motor vehicle to cause the vehicle to be removed from the premises or property, and removed from the territory of the Village two (2) weeks after the determination has been made by default of the owner to produce a certificate of inspection from the State Highway Patrol.
- 4.5.3. Outdoor advertising signs shall be classified as a business use and are specifically prohibited in all residential districts.

- 4.5.4. The storage of used tires is prohibited in all districts except a Business District wherein said business is involved in the retail, wholesale, or distribution of tires.
- 4.5.5. No use shall be permitted which is or may be hazardous, noxious, offensive, noise, vibration, electrical, radiation, atomic, nuclear, water, or excessive airborne wastes, heat or light.
- 4.5.6. No storage of materials for recycling, processing, storage for resale is permitted in the front yard of a place of business.

Section 4.6. Conflicts of Law

If any of the requirements or regulatory provisions of this Zoning Ordinance are found to be inconstant with one another, the more restrictive or greater requirement shall be deemed, in each case, to be applicable.

ARTICLE 5 - EXCEPTIONS AND MODIFICATIONS

Section 5.1. General

Requirements and regulations specified in the Ordinance shall be subject to the exceptions, modifications, and interpretations set forth in this Article.

Section 5.2. Existing Lots of Record

In any district where dwelling are permitted, a single-family detached dwelling may be erected on any lot of official record as of the effective date of this Ordinance, irrespective of its area or width, provided the owner of such lot does not own any adjoining property, except that no lot shall be deemed to be less than fifty (50) feet wide for the calculation of yard requirements, and provided further:

- 5.2.1. The sum of the side yard widths on any such lot shall not be less than twenty (20) percent of the width of the lot, but in no case shall the width of any side yard be less than ten (10) percent of the width of the lot or less than ten (10) feet, whichever is greater.
- 5.2.2. On a corner lot, the width of the side yard adjoining the side street lot line, shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater and shall not project beyond the average building line so established.
- 5.2.3. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
- 5.2.4. Where three (3) or more contiguous unimproved lots of record with less than the required area and width per lot are held by one (1) owner, the Planning Commission may require replatting to fewer lots to permit compliance with minimum yard requirements,

5.2.5. For the purpose of computing lot area per family, a depth of only two (2) times the lot width shall be used.

Section 5.3. Height

5.3.1. The height regulations prescribed herein shall not apply to television and radio towers so long as they do not exceed thirty five (35) feet in height unless authorized by Section 4.3 herein, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport.

5.3.2. Public, semipublic or public service building, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seven-five (75) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.

4.3.3. Building in the M-2 District may be increased in height one (1) foot for each foot the building is set back from all lot lines up to a minimum of one hundred (100) feet provided that the gross floor area provided, exclusive of enclosed garages, does not exceed the number of square feet of land area of the lot on which

Section 5.4. Front Yards

5.4.1. When fifty (50) percent or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided, however, that a front yard otherwise required in the district in which the lot is located.

5.4.2. On lots between two streets having double frontage, the required front yard shall be provided on both streets.

5.4.3. Off-street parking facilities may be located within the required front yard of any "B" or "M" district.

5.4.4. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

5.4.5. Sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features may project into a required yard not a distance to exceed twenty four (24) inches, provided only that it does not restrict or prevent public safety.

- 5.4.6. Terraces which do not extend above the level of ground floor may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

Section 5.5. Side Yards

- 5.5.1. On a corner lot, the width of the yard along the side street shall not be less than one-half (1/2) of any required front yard on such street, provided that the buildable width of the lot of record shall not be reduced to less than forty (40) feet.
- 5.5.2. No accessory building shall project beyond a required yard line along any street or be closer than six (6) feet to any side lot line.
- 5.5.3. A canopy may project into a required yard provided every part of such canopy is unenclosed and not less than seven (7) feet from any side lot line.
- 5.5.4. For the purpose of side yard regulations, a two-family dwelling or multiple-family dwelling shall be considered as one building occupying one lot.
- 5.5.5. An owner of a dwelling erected prior to the effective date of this Ordinance shall be permitted to enlarge or structurally alter such dwelling to provide additional closed space for living or garage purposes, provided that no side yard shall be reduced to less than fifteen (15) percent of the lot width.

Section 5.6. Rear Yard

- 5.6.1. An accessory building, not exceeding twenty (20) feet in height, may not occupy more than twenty (20) percent of the area of a required rear yard. Unenclosed parking spaces may not occupy more than twenty (20) percent of the area a required rear yard. No accessory building shall be closer than ten (10) feet to the main building nor closer than six (6) feet to any rear lot line.
- 5.6.2. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into rear yard may be permitted by the Zoning Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

ARTICLE 6 – OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.1. Off-Street Loading Requirements

- 6.1.1 In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, motel, restaurant, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot

with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of floor area so used excess of twenty thousand (20,000) square feet.

- 6.1.2. Each Loading space shall be not less than twelve (12) feet in width, fifty (55) feet in length, and fourteen (14) feet in height.
- 6.1.3. Subject to the limitations of Section 6.4 of this Article, such space may occupy all or any part of any required yard space.
- 6.1.4. No such space shall be located closer than one hundred (100) feet to any lot in any “R” District.
- 6.1.5. Off-Street Loading Requirements for the “B” districts, in lieu of the above, shall provide at least one off-street loading space for each ten thousand (10,000) square feet of floor area.

Section 6.2. Off-Street Parking Space Requirements

- 6.2.1. General Requirements: In all districts, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at all time any building or structure is erected, enlarged, increased in capacity or structurally altered, off-street parking spaces for motor vehicles in accordance with the following requirements;
 - 6.2.1.a. Each off-street parking space shall have an area of not less than two hundred (200) square feet in addition to access drives or aisles, and shall be usable shape and condition.
 - 6.2.1.b. There shall be adequate provisions for ingress and egress to all parking spaces. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling and not less that eighteen (18) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder.

6.2.2. Number of Spaces to be Provided

Auditoriums, theaters and other Places of public assembly	1 for every five (5) seats.
Bowling alley	5 for each alley
Church or Temple	1 for each four (4) seats in the main auditorium

Community center, library, Museum/art gallery	10 plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand
Dwellings, including 1, 2, and Multiple family units	2 for each dwelling
Furniture or appliance store, Hardware store, wholesale establishments, machinery or equipment sales and service	2 plus one (1) additional for each two hundred (200) sq. ft. of area over one thousand (1000) square feet
Hospital, sanitarium, convalescent home, home for the aged or similar Institution	2 for each bed
Hotel or motel	5 plus one space for each for sleeping room or suite
Manufacturing or industrial establish- ment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment	2 for each three (3) employees on the maximum working shift plus space to accom- modate all trucks and other vehicles used in connection therein
Mortuary or funeral home	1 for each fifty (50) sq. ft. of floor space in sitting rooms, parlors or individual funeral service rooms
Office, clinic or medical building	1 for each employee and two (2) for each examining room or office
Printing or plumbing shop or similar service establishment	1 for each employee
Private club or lodge	1 for each four hundred (400) sq. ft. of floor area
Restaurants, nightclubs, cafes, or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats	1 for each one hundred (100) sq. ft. of floor area

Retail store or personal service establishment except as otherwise provided herein	1 for each two hundred (200) square feet of floor area
Rooming and boarding houses, sororities and fraternities	1 for each two hundred (200) sq. ft. of floor area
Schools, High School , Elementary School	10 per class room 1 per classroom
Social activities	1 for each five (5) members
Sports arena, stadium or gymnasium	1 for each three (3) seats or bench seating spaces

All non-residential buildings other than those specified above – 1 for each Three Hundred (300) sq. ft. of floor area

6.2.3. Rules Governing the Determination of the Number of Spaces.

In computing the number of Spaces required in Subsection 6.2.2. of Section 6.2. of this Article, the following rules shall govern:

6.2.3.a. “Floor area” shall mean the gross floor area of the specified use.

6.2.3.b. When fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

6.2.3.c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

6.2.3.d. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Zoning Ordinance is changed or enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 6.3. Special Parking Provisions.

6.3.1. The parking of a disabled vehicle within a residential district for a period of more than forty-eight (48) hours shall be prohibited; except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business

shall be conducted in connection therewith while such vehicles are parked or stored.

- 6.3.2. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed four hundred (400) feet from the building or use served.
- 6.3.3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Village solicitor and approved by the Planning Commission and shall be filed with the application for a zoning permit.

Section 6.4. Development and Maintenance of Parking Areas.

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

- 6.4.1. Screening and Landscaping. Off-street parking areas situated in any “B” or “M” District shall be effectively screened on each side which adjoins premises situated in any “R” district by a solid fence as approved by the Planning Commission. Such fence shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such fence and the lot line of the adjoining premises in any “R” District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted and maintained with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted if approved by the Planning Commission.
- 6.4.2. Minimum distances and Setbacks. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on the adjoining lot unless screened by an unpierced masonry wall of acceptable design. If on the same lot with a main building, the parking area shall not be located within the front yard or side street yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way.
- 6.4.3. Surfacing. Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface and shall be so arranged and marked as to provide for orderly and safe parking and storage of

motor vehicles. The forgoing surfacing requirements shall not apply to a parking area in an “M” District if more than five hundred (500) feet from any “R” District, except that a dustless surface shall be provided in any case. Any expansion or enlargement of 50% or more of existing, non-conforming parking area shall require the entire parking area, old and new, to conform to this section.

6.4.4. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any “R” District so as not to interfere in any way with traffic movement on any adjoining street of highway.

ARTICLE 7 – GENERAL PROVISIONS

Section 7.1. Corner Lots

- 7.1.1. Corner lots in all districts are required to have a minimum front yard requirements, as indicated in the Article pertaining to that district, facing both street, and both front yards must follow all requirements that apply to front yards.
- 7.1.2. No sign, fence, wall, shrub or other obstruction of vision exceeding two (2) feet in height above the established street grade, shall be erected, planted or maintained within the corner lot that is included between the lines of the intersecting street and a straight line connecting them at points thirty (30) feet distance from the intersection of both street lines.
- 7.1.3. On a corner lot the minimal construction width is twenty eight (28) feet for the main building and is reduced to twenty two (22) feet for accessory buildings.

Section 7.2. Minimum Living Area for Dwelling Units

No structure shall be erected, reconstructed or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided.

7.2.1. Single Family, Single Family Attached, and Two Family Dwellings

	<u>With Basement</u>	<u>Without Basement</u>
One Bedroom	600 Sq Ft.	800 Sq. Ft.
Two Bedroom	800	1,000
Three Bedroom	1,000	1,200
Four Bedroom	1,200	1,400
Five or more Bedroom	1,400	1,800

7.2.2. Multifamily Dwelling

Efficiency Apartment	200 Sq Ft.
One Bedroom Apartment	500
Two Bedroom apartment	750
Three Bedroom Apartment	1,000
Four or more Bedroom apartment	1,250

Section 7.3. City Sewer and Water is Unavailable.

Where central sanitary sewerage facilities and central water facilities are not available, the minimum lot size shall be one (1) acre for a single family dwelling in any “R” district, and two (2) acres for a two family dwelling, unless the responsible health authority requires additional acres. The type and kind of sanitary system to be utilized shall be approved by the Columbiana Health Department.

Section 7.4. Porches and/or Decks

- 7.4.1. Unenclosed porches may extend ten (10) feet into a side or front yard, providing the yard and lot requirements of that District are fulfilled.
- 7.4.2. Unenclosed porches may not exceed twenty (2) percent of the rear yard.
- 7.4.3. Enclosed porches will be considered as part of the main building and must comply to all requirements of that main building within that district.
- 7.4.4. All porches whether unenclosed or enclosed shall cover the side, front, or rear, of such from the floor level to the grade.
- 7.4.5. The fee for construction or alteration of any porch and/or deck is in accordance with the Fee Schedule.

Section 7.5. Accessory Buildings.

- 7.5.1. An accessory building attached to the main building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of this Zoning Ordinance applicable to the main building.
- 7.5.2. No accessory building which is not a part of the main building shall be located closer than ten (10) feet from the main building. Accessory buildings located in residential districts shall have side yard clearances in accordance with the following:
 - 7.5.2. a. An accessory building more than fifteen (15) feet from the main building may be erected to within six (6) feet of a side or rear lot line, but must be located at least sixty (60) feet from the front lot line.
 - 7.5.2. b. A private residential garage used only for the housing of noncommercial passenger vehicles may not exceed five hundred (500) square feet. An additional floor area of two hundred (200) square feet may be added for each three thousand (3000) square feet of lot area which such lot exceeds six thousand (6000) square feet, provided that no garage shall exceed one thousand (1000) square feet.

7.5.2.c. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced. No accessory building shall be used unless the main building of the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material and equipment by a contractor during building construction.

7.5.2.d No accessory building may be erected in a front yard.

7.5.2.e. Whenever an accessory building is entered off an alley it must be kept a minimum of fifteen (15) feet from the alley.

7.5.3. Pre Fab Storage Building

A storage building will be considered any accessory building which is not permanently secured to the ground, typically set on 4 x 4 treated lumber or similar products.

7.5.3.a. The storage building must be a minimum of two (2) feet from the side lot line and a minimum of five (5) feet off the rear lot line.

7.5.3.b. In not case shall any accessory building with a square footage over two hundred (200) square feet be considered a Storage Barn.

7.5.3.c The fee for a Storage Barn will be in accordance to Article 16.

Section 7.6. Modular, Manufactured Homes and Trailers

7.6.1. Trailers: All inhabited trailers shall be located in a trailer park (court) which has received a Conditional Use Permit and which conforms with the requirements as follows:

7.6.1.a. Each park (court) shall provide an area of not less than eight (8) acres.

7.6.1.b. Each lot for the occupancy of a single mobile home unit shall have an area of not less than five thousand (5000) square feet and a width of not less than fifty (50) feet.

7.6.1.c. Space between trailers may be used for the parking of motor vehicles in the space is clearly designated and the vehicle is parked at least the (10) feet from the nearest adjacent court boundary.

7.6.1.d. Each trailer unit shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than thirty (30) feet in width, which shall have unobstructed access to a public highway, street or alley.

7.6.1.e. The trailer park (court) shall be surrounded by a landscaped strip of open

space fifty (50) feet wide along the street frontage of a major street and twenty five (25) feet wide along all other lot lines or street frontage.

- 7.6.2. Modular Homes: Modular homes are considered homes build in a factory, usually in assembly-line fashion, and transported to a site in large units. These units are then lifted from the transport by crane and rested on a pre-built foundation and fastened together. They shall meet all regulations and requirements of this Ordinance.
- 7.6.3. Manufactured Home: a single-family house constructed entirely in a controlled factory environment, built to a federal Manufactured Home Construction and Safety Standards, (HUD Code). These units are then lifted from the transport by crane and rested on a pre-built foundation and fastened together.
- 7.6.3.a. All manufactured homes must be supported with a pier system as per manufacturer's installations manual and/or "Manufactured Home: Installation guide" by George Porter.
- 7.6.3.b. All manufactured homes must be anchored in accordance to the above mentioned reference, (7.6.3.a.).
- 7.6.3.c. Manufactured homes shall have their transportation wheels and tongue removed after setup.
- 7.6.3.d. All four sides must have below the floor level closed with either brick or block. Access must be provided for any and all plumbing and electrical connections for reason of maintenance. They must also be ventilation provided in accordance with the above mentioned references.
- 7.6.3.e. All manufactured homes must be placed on a solid cement slap, or a concrete block foundation.
- 7.6.3.f. All manufactured homes must have a deed on file with the County Auditor.
- 7.6.3.g. All manufactured homes must follow all applicable Zoning Ordinances for the District in which it is located.

Section 7.7. Trees, Shrubs, Etc.

No trees, shrubs, etc. will be placed in or on the curb lawn other than those chosen by the Shade Tree Commission.

Section 7.8. Gutters and Downspouts

Every building shall be provided at all times with proper eaves or cornice gutters of approved materials for conducting all water from the roof into an underground

drain to a storm or combined sewer system, or to a street gutter if no sewer is accessible. This requirement shall not apply to minor buildings on the same lot with, and accessory to, a dwelling, such as a private detached garage, if and only if the water from the roof of such accessory building does not damage the foundation of any building or structure.

Section 7.9 - Sidewalks.

- 7.9.1. Sidewalks shall be constructed of concrete as per the current edition of the ODOT Construction and Materials specifications and shall be a minimum of four inches thick.
- 7.9.2. Sidewalks adjacent to intersections shall include handicap access ramps constructed as per ODOT standard Construction Drawing BP-7.1M and the latest Americans with Disabilities Act (ADA) requirements.
- 7.9.3. Where a sidewalk traversed across the limits of a driveway, the sidewalk thickness shall be a minimum of six (6) inches. Sidewalk width shall be a minimum of five (5) feet, or if replacing, or extending, accordance to the width of existing adjacent structure.
- 7.9.4. A one half (1/2) inch neoprene expansion joint shall be used at twenty five (25) foot intervals. Divide replacement surfaces into equal spaced blocks of approximately five (5) foot intervals. A new sidewalk section shall use a 6 x 6 x 10 gauge wire mesh.

Section 7.10 Driveways.

- 7.10.1. Driveway aprons shall be constructed of concrete as per latest edition of the ODOT Construction and Material specification and shall be six (6) inches thick for residential driveways and eight (8) inches thick for non-residential driveways. Driveway aprons and sidewalk crossing driveways shall be reinforced with 6 x 6 x 4 roadway mesh.
- 7.10.2. In non-curbed areas the apron at the interface with the existing roadway shall be ¼ inch lower in elevation than the elevation of the existing roadway edge of pavement. In addition, prior to placing the concrete, the existing roadway edge of pavement shall be sawn full depth resulting in a straight edge, butt joint. If the edge of the roadway is in poor condition, then the roadway edge shall be replaced in kind with the same type of roadway material by the driveway installer.
- 7.10.3. An asphalt driveway/entrance for non-residential structures shall consist of a compacted sub-grade, three (3) inches ODOT Item 304 Limestone, four (4) inches ODOT Item 3012, one (1) inch of ODOT Item 404.
- 7.10.4. The owner of a property where a driveway will be installation, altered, or modified must complete the Application for “Right of Way” construction.

Section 7.11 Construction Time Limits.

During construction of all residential buildings, all said residential buildings shall be under roof and enclosed within one (1) year from the date that the Zoning Permit was issued. Within eighteen (18) months from that date all landscaping or lot area shall be completed.

ARTICLE 8 - SPECIAL PROVISIONS

Section 8.1. Performance Requirements

8.1.1. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold dampness; electrical or other disturbance; glare; liquid, solid or hazardous refuse or waste; or other substance, condition or premises provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits and tolerances at the following points of observation:

8.1.1.a. In any "R" District and "B" District, twenty five (25) feet from the establishment or use, or at the lot line if closer to the establishment of use.

8.1.1.b. In any "M": District, at the boundary or boundaries of the District or at any point within an adjacent "R" District.

8.1.2. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indication the manner in which dangerous and objectionable elements involved in processing and in equipment operation are to be eliminated or reduced to acceptable limits and tolerances.

Section 8.2. Trailers and Motor Homes

Parking of a trailer in any district for four eight (48) hours or longer period of time shall be prohibited, provided that the owner thereof may park one small utility trailer, vacation trailer or motor home in an enclosed garage or other accessory building, or in the open elsewhere on the owners premises if parked in a side yard or rear yard so long as it is at least five (5) feet from all lot lines. In all cases no living quarters shall be maintained or any business conducted in connection therewith while such trailer for motor home is parked or stored. The parking of a trailer, other than a utility trailer or vacation trailer, for less than forty eight (48) hours outside or an enclosed garage or another accessory building shall be permissible only after the Zoning Inspector has been notified of such intention.

Section 8.3. Temporary Buildings.

Temporary buildings used in conjunction with on-site construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Section 8.4.. Transmission Towers.

- 8.4.1. A "transmission tower" as used in this Section, is a tower used in connection with the operation of the transmission or receiving of radio, television, mobile telephone, facsimile, or siren broadcasting by a commercially operated broadcasting station licensed by the Federal Communications Commission or other governmental agency.
- 8.4.2. Transmission towers, and accessory buildings used only in connection with the operation thereof, may be constructed, operated and maintained only in the Residential Conservative District and only in compliance with the provisions of this Section.
- 8.4.3. A transmission tower shall be located on an unoccupied parcel of land having an area of sufficient size so that no part of the tower, as determined by its height, will fall on any neighboring property should the structure fall or collapse unless a certified structural engineer determines to the satisfaction of the Planning Commission, that a transmission tower upon fall or collapse will not encroach upon any neighboring property. Cost incurred for any engineering study shall be paid by the property owner. The minimum size of said parcel shall be three (3) acres. Only one (1) transmission tower may be located on said parcel.
- 8.4.4. A tower guy anchor or accessory building used in connection with the operation of said transmission tower shall not be located closer than fifty (50) feet from any lot line or public right-of-way. A transmission tower shall not be located closer than four hundred fifty (450) feet from any public right-of-way unless a certified structural engineer determines, to the satisfaction of the Planning Commission, that a transmission tower upon fall or collapse will not encroach upon any public right-of-way. Cost incurred for any engineering study shall be paid by the property owner.
- 8.4.5. The owner of said transmission tower shall maintain adequate liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) to protect against loss of life, injury or damage to property as a result of the failure, fall or collapse of said transmission tower. Leetonia Village shall be named as an additional insured on said liability insurance policy.
- 8.4.6. Applicants for a permit to erect, construct, alter, modify, relocate or rebuild a transmission tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed

- transmission tower. Said written contact shall inquire about collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The Applicant's letter, as well as responses, shall be presented to the Planning Commission as a means of demonstrating the need for a new transmission tower. Whenever technically feasible, transmission, or receiving equipment shall be located on an existing transmission tower or on an existing structure or building.
- 8.4.7. No transmission tower shall be erected, constructed, altered, modified, relocated or rebuilt until approved by the Planning Commission and a permit therefore has been issued by the Zoning Inspector. Such permit shall become void if such transmission tower is not erected, constructed, altered, modified, relocated or rebuilt within one hundred twenty (120) days after such permit is issued.
- 8.4.8. Applicants for a permit to erect, construct, alter, modify, relocate or rebuild a transmission tower shall file with the Zoning Inspector an application which shall contain such information and documents as the Zoning Inspector and the Planning Commission shall require, including but not limited to, a development plan and copies of all documents submitted to the Federal Communications Commission or other governmental agency having jurisdiction.
- 8.4.9. All applications for a transmission tower permit shall be accompanied by an application fee in the amount of Fifth (50) Dollars.
- 8.4.10. The owner of said transmission tower shall notify the Zoning Inspector when any such tower and related facilities use will be discontinued and the date this use will cease. Within thirty (30) days of said use being discontinued, said transmission tower and related facilities shall be dismantled and removed from said premises. If at any time the use of said transmission tower and related facilities is discontinued for one hundred eighty (180) days, the Zoning Inspector may declare the tower and related facilities abandoned. The owner of the tower and related facilities shall then be instructed in writing to either reactivate the tower's use within one hundred eighty (180) days or dismantle and remove the tower and related facilities. If reactivation or dismantling does not occur, either under the voluntary discontinuation of use or abandonment, the Village shall remove, or shall have removed the tower and related facilities and shall assess the owner the cost of same.
- 8.4.11. Any person, firm or corporation who violates any of the provisions of this Section shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred (100) dollars for each such offense. A separate offense shall be deemed to have been committed for each day during which a violation continues.

ARTICLE 9 – SIGNS

Section 9.1. Statement of Purpose

- 9.1.1. The purpose of this section is to create a comprehensive set of sign regulations and

to authorize the use of signs which:

- a. facilitate optimum communication between people and the environment;
- b. are compatible with the surroundings;
- c. are appropriate to the type of activity to which they pertain;
- d. express the identity of individual proprietors or of the community as a whole;
- e. are legible in the circumstances in which they are seen; and,
- f. promote public safety.

Section 9.2. Permits, Fees, and Inspections

- 9.2.1. A sign permit issued by the Zoning Inspector shall be required prior to the erection, display, relocation, or alteration of any sign except as otherwise provided in this Section. When any sign is erected, displayed, relocated or altered prior to obtaining a permit, the required fees, (Section 15.4.), shall be doubled but the payment for such double fees shall not relieve any person from complying with all provisions of this Section or from any penalties prescribed by law.
- 9.2.2. No sign permit issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in any action to abate an unlawful sign.
- 9.2.3. Signs shall be inspected by the Zoning Inspector for compliance with all applicable codes.

Section 9.3. General Regulations.

- 9.3.1. Except as provided in Section 9.7.4., every sign shall be located on the same lot of the business or use to which such sign pertains.
- 9.3.2. No sign except those erected and maintained by public agencies for purpose of traffic control shall be erected in the public right-of-way or on public property unless approved by the Zoning Inspector.
- 9.3.3. No sign shall be constructed or located so as to conflict with traffic control devices.
- 9.3.4. No sign shall have more than two (2) faces.
- 9.3.5. No sign affixed to a building shall extend above the highest point of the roof line or project further than forty eight (48) inches in front of the surface to which it is affixed.
- 9.3.6. Illumination used on, for, or in any sign shall not be arranged or used so as to cause reflection or glare. No sign shall be illuminated by flashing or moving lights. No sign in a residential district shall be illuminated.
- 9.3.7. No sign shall be revolving, oscillation, or other moving. Flags, banners, pennants, or balloons shall not be attached to any sign.

- 9.3.8. Signs shall be maintained in a safe condition and in a reasonable state of repair. The Zoning Inspector shall have the authority to inspect and order the painting, repair, alteration or removal of any sign which becomes dilapidated or is abandoned or which constitutes a hazard to public safety.
- 9.3.9. No sign shall be located, placed, illuminated or arranged so as to impair traffic visibility at any intersection or at any entrance or exit to any property.

Section 9.4. Real Estate Signs

Non-illuminated real estate signs advertising the sale, rental, or lease of the premises on which they are maintained shall not exceed nine (9) square feet in area per side, shall have a minimum front yard setback of ten (10) feet, shall have a minimum side yard setback of ten (10) feet, and shall have a maximum height of three (3) feet. Larger signs shall be permitted for two (2) or more lots in single ownership or for properties with frontages in excess of two hundred (200) feet, provided that such signs shall not exceed a maximum of fifty (50) square feet per side, provided that such signs shall be setback from every street line at least a distance in feet equal to the number of square feet in the area of the sign. No permit and no fee shall be required for real estate signs.

Section 9.5. Public, Educational, or Religious Institution Identification Signs.

Public, Educational, or religious identification signs shall not exceed twenty (20) square feet in area per side, shall have a minimum front yard setback of ten (10) feet, shall have a minimum side yard setback of ten (10) feet and shall have a maximum height of six (6) feet.

Section 9.6. Single Family and Multi-Family Residence Identification Signs.

Single family and multi-family residence identification signs shall not exceed two (2) square feet per side, shall have a minimum front yard setback of ten (10) feet, shall have a minimum side yard setback of ten (10) feet, and shall not exceed a maximum height of three (3) feet. No permit and no fee shall be required for such signs.

Section 9.7. Business District Signs.

- 9.7.1. A business may have one (1) sign per building advertising the nature of the business, merchandise, products, or service. The total aggregate area of said sign shall not exceed one and one-half (1 1/2) square feet of sign for each lineal foot of frontage of said building, provided, however, that no sign shall exceed one hundred (100) square feet and no sign shall be located within five percent (5%) of said frontage at each end of said building. Except as provided in Section 9.7.4(a), said sign shall be located on the same building. Said sign shall have a minimum front setback of five (5) feet, shall have a minimum side setback of five (5) feet, and shall have a minimum height of eight (8) feet to the bottom of the sign.

9.7.2. The sign referred to in this section may be a hanging sign or a free-standing sign provided, however, that said sign shall first be approved and authorized by the Planning Commission. Said sign shall conform to the sign area and setback requirements for the Business District and shall be located no nearer than five (5) feet from the traveled portion of any roadway. The minimum height of said sign shall be approved and authorized by the Planning Commission.

9.7.3. In addition to the sign referred to in this section, a business located in a "B" District which has a minimum of one hundred fifty (150) feet of frontage on a public street may have a free-standing sign provided that said sign shall first be approved and authorized by the Planning Commission, subject to the following requirements: no portion of said sign shall be located nearer than five (5) feet from the public right-of-way or a public walkway; said sign shall not exceed a maximum area of fifty (50) square feet per side; and, said sign shall not exceed a maximum height of twenty (20) feet. The minimum height of said sign shall be as approved and authorized by the Planning Commission.

9.7.4. Every sign shall be located on the same lot of the business or use to which sign pertains unless all the following apply:

a. There has been prior approval and authorization by the Planning Commission for a sign to be located on a different lot subject to such terms and conditions as the Planning Commission deems necessary to protect the public interest, health, safety and welfare.

b. The location of the business or use to which such sign pertains is on a dead end or non-through street or road.

c. The sign is to be located within five hundred (500) feet of the lot where the business or use to which such sign pertains is located or the distance to the nearest major through street or road at the point where it intersects with the street or road upon which the business or use is located if more than five hundred (500) feet away.

d. The owner of the lot where the sign is to be located has given written permission for the sign's location.

e. There has been demonstrated that all the following apply: that an undue and unnecessary hardship will result upon the owner of the business or use to which such sign pertains should the sign be required on the same lot as said business or use; that there are exceptional or extraordinary circumstances or conditions which apply to the owner of the business or use to which such sign pertains which justification of the sign on a different lot; that preservation and enjoyment of substantial property rights can only be protected by permitting the sign to be on a different lot than

the one where the business or use to which such sign pertains is located; that there will be no substantial detriment to adjacent property; and, that there will be no material impairment of the public interest or the spirit, intent and purpose of this Zoning Ordinance by permitting said sign on a different lot.

Section 9.8. "M" District Signs

- 9.8.1. A business located in "M" Districts may have signs advertising the nature of the business, merchandise, products, or services subject to the following regulations. The combined aggregate area of all signs per building shall not exceed two (2) square feet of sign area lineal foot of frontage of said building provided that the combined area of all signs per building shall not exceed two hundred (200) square feet and no signs shall be located within five (5) percent of said frontage of each end of said building. The total allowable area per building may be divided between signs. Said signs shall be located on the same lot as said building. Said signs shall have a minimum front setback of five (5) feet, shall have a minimum side setback of five (5) feet, and shall have a minimum height of ten (10) feet to the bottom of the sign.
- 9.8.2. In addition to the signs referred to in this section, a business may have one hanging sign or one free-standing sign provided that said hanging sign shall first be approved and authorized by the Zoning Inspector and the Planning Commission. Said sign shall conform to the size area and setback requirements applicable for the appropriate District and shall be located no nearer than five (5) feet from the traveled portion of any roadway. The minimum height of said hanging sign shall be eight (8) feet and minimum height of said free-standing sign shall be as approved and authorized by the Planning Commission.

Section 9.9. Entrance and Exit Signs

All parking lots may have entrance and exit signs. Such signs shall be limited to the words "entrance", "in", "exit", "out", "shipping", "receiving", and "parking" or other similar directional words specifically permitted by the Zoning Inspector and may also have arrows or other appropriate directional indicators. Corporate names, logos, or other non directional identification may be included but shall not exceed a maximum area equal to twenty-five (25) percent of the sign face. Such signs shall not exceed five (5) square feet in total aggregate area, nor two and one-half (2 1/2) square feet in area on one side, nor more than forty-two (42) inches in height. No permit and no fee shall be required for entrance and exit signs.

Section 9.10. Service Station Signs

Service stations may erect one (1) permanent sign in addition to those permitted herein for the purpose of identifying fuel prices only. Said signs shall not exceed

twelve (12) square feet in area per side and shall not be located closer than five (5) feet from the traveled portion of any roadway.

Section 9.11. Temporary Signs

Temporary signs not in conflict with the purposes or regulations of this Ordinance may be displayed only as follows:

- 9.11.1 Special Event Signs: Temporary signs advertising special events may be displayed for not more than two (2) week periods per year in the business districts only. Such signs shall conform to all requirements for free-standing signs established herein except that they shall not exceed thirty-two (32) square feet in total aggregate area and shall not be illuminated. A permit, but no fee, shall be required if a temporary sign is displayed in excess of seventy-two (72) hours. Otherwise, no permit and no fee shall be required for said sign.
- 9.11.2. Signs Over Roadways. Banners, streamers, cloth, canvas or similar signs shall not be suspended over or across any public sidewalk, street or roadway unless approved by the Planning Commission and then only for a temporary period not to exceed thirty (30) days. No permit and no fee shall be required for said sign.
- 9.11.3. Construction Signs. Temporary signs identifying future occupants, architects, engineers, developers, or contractors engaged in construction of any subdivision or individual site may be displayed during the period of construction. Such signs shall conform to all requirements for freestanding signs established herein except that they shall not exceed thirty-two (32) square feet in total aggregate area and shall not be illuminated. No permit and no fee shall be required for said signs.
- 9.11.4. Residential Subdivision Development Signs. Temporary signs identifying and advertising residential subdivision development may be displayed as permitted by the Zoning Inspector except that such signs shall not exceed thirty two (32) square feet in total aggregate area. Said signs may be displayed for a period of one (1) year or to the end of development whichever comes first unless otherwise extended by the Zoning Inspector for good cause shown.

Section 9.12. Political Signs.

- 9.12.1 A political sign is hereby defined as being one concerning, by word or words, and /or picture, and/or design, and/or symbol, any one candidate of political party, issue, levy, referendum, or other matter whatsoever eligible to be voted upon in any general, primary or special election and/or one advocating by any word or words, and/or picture, and/or design, and/or symbol any type of political action to be taken or already taken by the electorate and/or its representative.

- 9.12.2. Political signs are hereby permitted in any zoning district in the Village of Leetonia provided that no owner and/or occupier of premises, or other person or persons, shall place, erect, maintain or give permission therefore, or suffer to remain on or about premises or parcels of land, political signs that do not comply with or conform to the following restrictions and conditions:
- a. A political sign shall not exceed six (6) square feet in area per side, and shall not be artificially illuminated.
 - b. Political signs shall not be permitted within the right-of-way boundary lines of any street, road, or alley.
 - c. Political signs shall not be placed, erected, and/or maintained without first securing the permission of the owner or occupier of the property where is the sign is to be placed.
 - d. Political signs shall not be placed or erected and/or maintained without first posting a One Hundred (100) Dollar bond with the Village Treasurer. Said bond shall be refundable if all political signs are removed from any and all premises within the Village within ten (10) days after any such election. Said bond shall be forfeited if a sign is erected, placed or maintained in violation of this Article. Only one (1) bond shall be required of any person seeking to place, erect, or maintain a political sign regardless of the number of political signs so erected, placed, or maintained.
 - e. Political signs shall not be erected, placed, or maintained, or permission therefore granted, or suffered to remain on or about the premises by any owner or occupier of land, or any other person, more that thirty (30) days prior to any general, primary, or special election, nor shall any owner or occupier of land, or other person, permit, suffer, or cause any political sign to remain on or about the premised longer that ten (10) days after any such election.
 - f. Political signs shall be firmly affixed to the ground or lawful structure and shall not be permitted to become loose or detached from any support structure.
 - g. No signs shall be placed on utility poles, street signs or traffic control poles.
 - h. No sign shall obstruct sight distances for vehicle entering or exiting any property or traveling on a Public Street.
 - i. No signs shall obstruct sight distances for pedestrians entering or exiting any property or walking on or along a public street.

9.12.3. This Section shall not apply to political signs displayed from inside any building or other structure if the same is in lawful use and occupancy.

9.12.4. Political headquarters for any candidate, political party, issue, levy, referendum or any other matter whatsoever eligible to be voted upon is any election shall be permitted in the "B" District only.

9.12.5. No permit and no fee shall be required for political signs.

Section 9.13. Removal of Signs.

Whenever an occupant vacates a building, the owner shall remove all outside signs pertaining to said business or profession within two (2) week after such vacation.

Section 9.14. Application and Fee.

9.14.1 All erection, building, installation or maintenance of any sign must complete a Building Permit with all required information filled in. Exempt for signs specifically exempted from the payment of fees, the following schedule shall apply for signs advertising a business, service or other activity being operated on the premises:

- a. Signs having an area less than fifty (50) square feet, Fifteen (15) Dollars
- b. Signs having an area of fifty (50) square feet or larger, Thirty (30) Dollars

9.14.2. No permit and no fee shall be required for:

- a. Signs erected by the Village of Leetonia or other governmental entities for the regulation of traffic, identification of streets, and similar designations or instructions; and
- b. Legal notices, house numbers, resident's identification, memorial or inaugural inscriptions, or historical plaques and markers.

9.14.3. In considering applications for sign permits the Zoning Inspector, the Board of Zoning Appeals, or the Planning Commission shall consider the impact each sign will have on adjoining properties and the safety of users of adjoining roadways. The Zoning Inspector, the Board of Zoning Appeals, and the Planning Commission may establish such conditions and standards for approval as they deem necessary or appropriate to preserve the intent of this Zoning Code.

Section 9.15. Non-Conforming Signs.

A non-conforming sign is defined as a sign existing prior to the passage of this

Zoning Ordinance which does not conform to one or more of the requirements of this Zoning Ordinance. Normal maintenance by way of painting, cleaning, and minor repair is permitted for the life of the allowed non-conforming period.

Section 9.16. Penalty

9.16.1. No person, firm, or corporation, or his/her agent, including owners and occupants of businesses and building in the Village of Leetonia and subject to this Section, shall violate or refuse to comply with all applicable provisions of this Zoning Code or a lawful order of the Zoning Inspector or Planning Commission issued pursuant to this Code.

9.16.2.. Any person, firm, or corporation, or his/her agents, including owners and occupants of businesses and buildings in the Village of Leetonia and subject to this Zoning Code, who violates any of the provisions of this Section or who fails or refuses to obey a lawful order of the Zoning Inspector or Planning Commission issued to this Zoning Code, shall be deemed guilty of a minor misdemeanor and shall be fined not more than One Hundred (100) Dollars for each such offense. A separate offense shall be deemed to have been committed each day during which a violation continues.

ARTICLE 10 - FENCES

Section 10.1. General Welfare.

Fences shall not be permitted, erected or in any way maintained in any district in a front, rear or side yard which are contrary or detrimental to the public health, safety, convenience, comfort, prosperity or general welfare of the residents of the Village.

Section 10.2. Zoning Districts

Fences in a Residential, Large Scale Developments, or Business District shall conform to the following rules and regulations:

10.2.1. Front Yard and Portions of Side Yards Abutting a Street

a. Fences are permitted in front yards and portions of side yards abutting a street subject to the following restrictions: In a front yard and/or that portion of a side yard which abuts a street, no fence shall be permitted, erected or in any way maintained that is within two (2) feet of the right-of-way of any street or exceeds the height of three (3) feet above the ground surface along which said fence is erected.

b. No fence may be constructed that in the opinion of the Zoning Inspector that will obstruct the view of pedestrian or vehicular traffic or obstruct the view to the detriment of the public safety.

10.2.2. Rear Yard and Portions of Side Yards Not Abutting a Street.

Fences are permitted in a rear yard and portions of a side yard which do not abut a street: provided, however, said fences shall not at any point exceed six (6) feet in height from the ground to the top of the fence and shall have at all points a sufficient open space from the ground to the bottom of the fence to properly maintain grass, weeds, vegetation and similar plant growth.

10.2.3. Permits.

No fences shall be erected, constructed, altered, relocated or rebuilt until a permit therefore has been issued by the Zoning Inspector. Such permit shall become void if such fence is not erected, constructed, altered, relocated or rebuilt within one hundred twenty (120) days after said permit is issued.

10.2.4. Application for Permits.

Application for a permit to erect, construct, alter, relocate or rebuild a fence shall file with the Zoning Inspector an application which shall contain the following:

1. A plat plan of the lot or parcel drawn to show:
 - (a) The exact location of all structures located on the subject lot or parcel; and,
 - (b) The exact location of the proposed fence in relation to:
 - (1) Structures on the subject lot or parcel.
 - (2) The boundary lines of subject lot or parcel.
 - (3) The right-of-way of any street abutting subject lot or parcel.
 - (4) The distance from any other fence or structure on the property abutting the subject lot or parcel.
2. The complete plans and specification for the proposed fence, including;
 - (a) Material to be used.
 - (b) The design thereof.
 - (c) The exact percentage of open space between the ground surface and top of fence in front yards or portions of side yard abutting streets.
 - (d) The exact height of said fence from the ground surface along which the fence is erected.

10.2.5. Prohibitions.

Barbed wire or electrically charged fences shall be prohibited, except where applicable for agricultural activities.

10.2.6. Finished Side Facing Out.

All fences shall be erected and maintained so that their finished side faces out and the unfinished side faces the property of the person who has caused said fence to be erected or maintained. The posts or support structures of the fence shall be on the inside of the fence

Section 10.3. Permit Fees.

An application for a fence permit shall be accompanied by an application fee in the amount of Fifteen (15) Dollars.

Section 10.4. Compliance.

Except for repainting and minor repairs, no fence shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the rules and regulations set forth in this Article.

Section 10.5. Public Grounds.

Notwithstanding any provisions set forth herein, fences may be erected by Leetonia Village on or around any Village owned property or utilities as may be necessary to protect and provide for the public health, safety and welfare.

Section 10.6. Penalty.

No person, firm or corporation, or his/her agents, including owners and occupants of businesses and buildings in the Village of Leetonia and subject to this Zoning Ordinance, shall violate or refuse to comply with all applicable provisions of this Zoning Code or a lawful order of the Zoning Inspector or Planning Commission issued pursuant to this Zoning Code.

Any person, firm or corporation, or his/her agents, including owners and occupants of business and buildings of the Village of Leetonia and subject to this Zoning Ordinance, who violates any of the provisions of this Section or who fails or refuses to obey a lawful order of the Zoning Inspector or Planning Commission issued to this Zoning Code, shall be deemed guilty of a minor misdemeanor and shall be fined not more that One Hundred (100) Dollars for each such offense. A separate offense shall be deemed to have been committed each day during which a violation continues.

ARTICLE 11 - PRIVATE SWIMMING POOLS

Section 11.1. Definitions. As used in this section:

a. "Swimming Pool" shall be any pool, pond, lake or open tank where swimming is permitted, not located within a completely enclosed building or normally capable of containing water to a depth at any point greater than twenty four (24) inches and having at least one hundred fifty (150) square feet of surface.

b. "Rear Yard" is a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof.

Section 11.2. Zoning Permit and Approval.

Before any work is commenced on the construction of a swimming pool, or any alterations, addition, remodeling or other improvements thereto, an application for a zoning permit to construct same, and the plans and specifications and pertinent explanatory data hereinafter, shall be submitted to the Zoning Inspector for approval, and no part of the work shall be commenced until the Zoning Inspector has granted a zoning permit therefore.

Section 11.3. Fees

The fee for the zoning permit to construct, alter, add to or relocate a swimming pool shall be twenty (20) dollars. Such fee shall be in addition to building permit fees and fees applicable to other structures which may be incidental to the pool.

Section 11.4. Polluted Water.

No swimming pool within the Village shall contain sewage, waste or other contaminating or polluting ingredients which renders the water hazardous to health, which fails to meet the requirements of this Section, shall be used for swimming or bathing purposes by any person, as so inspected by the Zoning Inspector. Such conditions shall be remedied to the satisfaction of the Columbiana Health Board.

Section 11.5. Shielding Lights.

Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

Section 11.6. Unnecessary Noise.

No person shall make, continue or cause to be made at any pool, any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, no person shall use or permit the use of operation of any radio,

receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing by the persons who are in/on the pool premises.

Section 11.7. Commercial Activity.

The carrying on of any commercial undertaking entailing sales of food, drinks or other merchandise within the enclosure of any swimming pool is prohibited.

Section 11.8. Enclosure of Swimming Pools.

Every swimming pool, as defined in Section 11.1(a), shall be completely enclosed at all points by an aesthetically acceptable fence of sturdy construction not less than four (4) feet in height. Such fence or barrier must effectively prevent a child from crawling or otherwise passing through, over or under it and shall effectively prevent a child from free and unauthorized access to the pool water. Such fence or barrier shall be maintained in good condition and repair and shall include a gate, retractable steps or ladder and/or locking device which shall be kept lifted and/or locked when the pool is not in actual use or is left unattended. Such fence or barrier shall conform to all provisions of this Ordinance and Village laws regulating same. Every swimming pool, including walks, paved areas or accessory structures adjacent thereto, shall be located at least ten (10) feet from any property line or the property line where located.

Section 11.9. Location of Pools.

All pools shall be located in the rear yard, not side yards or front yards.

ARTICLE 12 – PLANNING COMMISSION.

Section 12.1. Organization.

12.1.1. There is hereby established a Planning Commission which shall consist of the Mayor, the Administrator, the Zoning Inspector, three (3) members of Council, one (1) citizen of the Village to be appointed by the Mayor for a term of six (6) years each. Vacancies shall be filled by the same procedure. Each member shall serve until his successor is appointed and qualified. Members of the Commission shall be removed for nonperformance of duty, misconduct in office or other cause, by the Council, upon written charges having been filed with the Clerk-Treasurer of council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member to be charged at least ten (10) days prior to the hearing, either personally or by registered mail or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer all charges

12.1.2. Procedure.

- a. The Planning commission shall organize annually to elect a Chairman, Vice Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other Ordinances of the Village to carry into effect the provision of this Ordinance.
- b. Meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine. The Chairman, or in his absence, the Vice-Chairman, may administer oaths, and the Commission may compel the attendance of witnesses. All meeting of the Commission shall be open to the public. The Commission 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 examination and other official actions, all of which shall be immediately filed with the Clerk-Treasurer of Council and shall be made a public record.
- c. Four (4) members of the Commission shall constitute a quorum. The commission shall act by motion and the concurring vote of at least four (4) members of the Commission shall be necessary to decide in favor of an application on any matter of which the Commission has original jurisdiction under this Ordinance.
- d. The Commission may call upon the various departments of the Village for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Commission as may reasonable be required.
- e. No Commission member shall participate in the process of decision, approval, disapproval or recommendation regarding any matter before the Commission in which he, a member of his family or any of his business associates has an interest.

Section 12.2. Conditional Use Permit.

Conditional use permits shall be required for certain types of main uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or for other reasons. Such use shall not be permitted by right. The conditional uses enumerated throughout this Ordinance may, however, be permitted under specific conditions in the district enumerated, or they may be prohibited by the Commission after making a determination for conformance with the following procedures and standards.

- 12.2.1 Application for conditional use permit shall be made by the owner, lessee, vendee, or developer of property and shall consist of such plans and/or drawing and/or statement as necessary to fully describe all elements of the proposed use. Such data supplied with the permit application shall describe in detail the proposed use to the extent that the Commission can have no doubt as to the

development of the proposed use and can determine the effect upon surrounding properties, and further can evaluate the effect upon traffic, fire hazards, public utilities and the public health, safety and welfare. Application for such permits shall be made to the Commission and it shall hold a public hearing thereon, notice of which shall be mailed to the property owners within two hundred (200) feet of the proposed use, and further, notice of the aforesaid hearing shall be published in a newspaper of general circulation to the municipality at least fifteen (15) days prior to the hearing. A fee of fifty (50) dollars plus two (2) dollars for each property owner over ten (10) shall be paid at the time the application is filed and shall be payable to the Clerk-Treasurer to the credit of the General Revenue Fund.

12.2.2. Conditional uses shall not be expanded or modified unless a new permit is issued after following the aforesaid procedure.

Section 12.3 Standards for Evaluation Conditional Use Permits.

An application for a conditional use permit shall not be approved unless the Commission finds that it complies with the following conditions and standards:

12.3.1. To be approved in a residential district it shall be found that:

- a. The proposed use would be properly located in relation to and adopted land use and street plan, particularly in proper relation to the secondary and local streets and pedestrian circulation pattern;
- b. The proposed use would generate only a minimum of traffic through a residential neighborhood if located along a local street.
- c. The location , design and operation of such use would not discourage or interfere with the appropriate development or impair the value of the surrounding residential district.

12.3.2. To be approved in a Business or Industrial District it shall be found that:

- a. The proposed use would not be closer than appropriate in the particular situation to schools, churches and other places of assembly;
- b. The location, size, intensity and layout of the proposed use and operation would conform to the noise, smoke, dust, odors, fumes, vibrations and/or glare performance standards of the districts;
- c. the proposed use would form a harmonious part of the business or industrial district, considering such features as convenience of access and relationship of one use to another;
- d. Because of its limited size, modern processes or equipment, the performance of the proposed use is such that it should properly by permitted in a less restrictive district than the district in which it is permitted by right; and;

e. The hours of operation of the proposed use is similar to the use permitted in the district and that the proposed use will not generate more traffic than normal for the district.

Section 12.4. Approval of Conditional Use Permits.

The Planning Commission shall make a determination based on the information available or it may request additional information. If a conditional use is approved, the Commission shall set forth any specific terms, conditions and safeguards that shall be required so that the proposed use will conform with the intent and standards of the district, and it shall instruct in writing the Zoning Inspector to issue a Condition Use Permit, which shall be posted and openly displayed on the premises for which the Conditional Use Permit has been issued. The Council shall be notified of any such action.

After the effective date of this Ordinance an application for a Conditional Use Permit may be submitted by the owner for any existing use requiring such permit, and it shall be issued subject to approval based on the standards set forth in Section 12.3.

Section 12.5. Revocation of Conditional Use Permit.

The approval of the Conditional Use Permit shall become null and void if the conditional use is not carried out within a six-month period after date of approval. The commission may revoke the Conditional Use Permit upon written evidence by any citizen or official of violation of this Ordinance and/or written terms and condition upon which approval was granted. A Conditional Use Permit shall not be transferred to another owner, assignee or lessee of such use.

Section 12.6. Platting Commission.

The Planning Commission shall be the Platting Commission for the Village of Leetonia with all the powers and duties set forth in the Ohio Revised Code, Section 735.17 through 734.26.

ARTICLE 13 - BOARD OF ZONING APPEALS.

Section 13.1. Establishment.

13.1.1 There is hereby established a Board of Zoning Appeals, which shall consist of five (5) members. Members of the Board shall consist of the Mayor, one (1) member of Council for the remainder of his term as such member of Council, and three (3) Citizens of the Village to be appointed by the Mayor for a term of six (6) years, subject to the confirmation by the Council. Vacancies shall be filled by the same procedure. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removed for nonperformance of duty, misconduct in office or other cause, by the Council, upon written charges having

been filed with the Clerk-Treasurer of Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer all charges.

13.1.2. Organization and Procedures:

a. The Board shall organize to elect a Chairman, a Vice-Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the Village to carry into effect the provisions of this Ordinance.

b. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Vice-Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon examinations and other official actions, all of which shall be immediately filed with the Clerk-Treasurer of Council and shall be made public record.

c. Three (3) members of the Board shall constitute a quorum. The Board shall act by motion and the concurring vote of at least Three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector or to decide in favor of an applicant on any matter of which the Board has original jurisdiction under this Ordinance or to grant any variance from the requirements stipulated in this Ordinance.

d. The Board may call upon the various departments of the Village for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonable be required.

e. No Board member shall participate in the process, approval, disapproval or recommendation regarding any matter before the Board in which he, a member of his family or any or his business associates has an interest.

Section 13.2. Powers of the Board of Zoning Appeals.

13.2.1. Exceptions and Interpretations. The Board shall have the power to hear and decide, in accordance with the provisions of this Article, applications filed as herein before provided for special exceptions or for interpretation of the Zoning Ordinance or Map or for decisions upon other special questions on which the Board is authorized by this Article to pass. In considering an application for a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in

authorizing a special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this Article for the particular special exception as the Board may deem necessary for the protection of adjacent properties and the public interest.

13.2.2. Administrative Review and Variances.

a. Administrative Review: The Board shall have the power to hear and decide appeals, filed as herein before provided, where it is alleged by the appellant that there is error in any order, requirement decision, grant or refusal made by the Zoning Inspector or other official in the interpretation of the provisions of this Ordinance.

b. Variances: The Board shall have the power to authorize, upon appeal in septic cases filed as herein before provided, such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest, but only in such cases where owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Ordinance would cause undue and unnecessary hardship.

c. Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining a the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of this Ordinance the Board shall have the power to authorize a variance from such strict application so as to relieve such hardship and so that the spirit and purpose of this Ordinance shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of the Ordinance and in the public interest. In authorizing a variance with attached conditions the Board shall require such evidence and guarantee or bond as it may deem to be necessary that the conditions attached are being and will be complied with.

d. No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property

that do not apply generally to other properties or classes or uses in the same zoning district;

(2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and,

(3) That the authorizing of such variance will not be of substantial detrimental to adjacent property and will not materially impair the purposes of this Ordinance or the public interest:

e. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought, one or the other in combination, is not of so general or recurrent a nature as to make reasonable practicable the formulation of a general regulation for such conditions or situations.

f. In exercising its power the Board may, in conformity with the provisions of State statutes and of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all power of the office from whom the appeal is taken.

13.2.3. Performance Requirements Procedure.

The Board shall have the power to authorize, upon application in specific cases filed as hereinafter provided, issuance of a zoning certificate for uses that are subject to performance requirements procedure under Article 8 of this Ordinance, as provided in the following:

a. Application: An application for a zoning certificate for a use subject to performance requirements shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 8 in accordance with the rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Subsection b below.

b. Report by Expert Consultants: If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards in Article 8

for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt for such application. A copy of such report shall be promptly furnished to the applicant.

c. Review by Board: Within thirty (30) days after the Board has received the aforesaid application or the aforesaid report, if a report was required, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards and on such basis shall authorize or refuse to authorize issuance of a zoning certificate or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any zoning certificate so authorized and issued shall be conditioned upon among other things (1) the applicants completed building and installations conforming in operation to the applicable performance standards and (2) the applicant paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicants completed building and installation in operation will meet the applicable performance standards.

d. Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and if there is reasonable ground for the same, shall notify the Board of occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. If, after public hearing on due notice, the Board finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Council. The services of any qualified experts, employed by the Board to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the Village.

Section 13.3. Applications and Appeals.

13.3.1 An application in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be filed by any person aggrieved, including a tenant, or by a government officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. A fee of fifty (50) dollars plus two (2) dollars each owner notified over ten (10) shall be paid to the Zoning Inspector at the time notice of appeal is filed, which the officer shall forthwith pay over to the Clerk-Treasurer to the credit of the General Revenue Fund.

13.3.2. An appeal to the Board may be taken by any person aggrieved affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

13.3.3. An appeal shall stay all proceedings in furtherance of the action appealed from,

unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent order, which may be granted by the Board or by a court of competent jurisdiction, after notice to the officer from whom the appeal is taken and on just cause shown.

13.3.4. The Board may in conformity with the provisions of this Ordinance reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made. To that end, the Board shall have all powers of the Zoning Inspector from whom the appeal is taken.

Section 13.4. Hearings.

13.4.1. The Board shall fix a reasonable time for the hearing of an appeal and shall give public notice thereof in a newspaper of general circulation in the Village one time at least fifteen (15) days prior to the hearing and by certified mail, return receipt requested, on all adjoining property owner and shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by an attorney.

13.4.2. The hearings of the Board shall be public.

13.4.3. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owner as it decides may be substantially interested in said application or appeal. In these cases of an adjournment hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

Section 13.5. Decisions.

13.5.1. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

13.5.2. A certified copy of the Board's decision shall be transmitted to all parties of interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

13.5.3. A decision of the Board shall not become final until the expiration of fifteen (15) days from the date such decision is made unless the Board finds and determines that the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 13.6. Appeals from Board of Zoning Appeals to Council.

- 13.6.1. Any person, firm or corporation who has been aggrieved or affected by any decision of the Board of Zoning Appeals may appeal from such decision to the Council of the Village by filing a Notice of Appeal setting forth the facts of the case and the reasons for appeal with the Clerk-Treasurer of Council within fifteen (15) days from the date of the decision.
- 13.6.2. Council shall hold a public hearing on such appeal not less than thirty (30) days after such Notice of Appeal has been filed with the Clerk-Treasurer. Notice of the hearing shall be given as provided in Section 13.4.1. Council, by an affirmative vote of a majority of its members, shall decide the matter within fifteen (15) days after the final hearing thereon.
- 13.6.3. The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed from unless the Board of Zoning Appeals has found and determined that its decision requires immediate effect because it is necessary for the preservation of property or personal rights and has so certified on the record.

ARTICLE 14 - ZONING INSPECTOR.

14.1 Duties:

- a. It shall be the duty of the Zoning Inspector to enforce this Ordinance. The Zoning Inspector shall receive applications required by this Ordinance, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws related to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures except as may be otherwise provided for. He shall, when requested by the Mayor or Council, or when the interests of the municipality so requires, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.
- b. The Zoning Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building site will be reasonable safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvements must:
- (1) Be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) Use construction materials and utility equipment that are resistant to flood damage.

(3) Use construction methods and practices that will minimize floor damage.

c. The Zoning Inspector shall review subdivision proposals and other proposed new development to assure that:

(1) All proposals are consistent with the need to minimize flood damage.

(2) All public utilities, such as sewer, gas, electrical, and water systems are located elevated and, constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(4) The Zoning Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(5) All inspections shall be made by the Zoning Inspector or a duly appointed assistant.

(6) For carrying into effect its provisions, the Zoning Inspector may adopt rules consistent with this Ordinance.

(7) The Zoning Inspector shall keep careful and comprehensive records of application, permits issued, certificates issued, inspections made, reports rendered, and of notices or orders issued. He shall retain on file copies of all reports in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to the public inspection at reasonable hours, but shall not be removed from the office of the Zoning Inspector.

(8) The Zoning Inspector may request and shall receive, so far as may be necessary in discharge of his duties, the assistance and cooperation of the Street Department Supervisor in fixing grade, of the Chief of Police in enforcing orders, of the Solicitor in prosecuting violations, and of other officials.

14.2. Accordance.

Duties are to be conducted in accordance with the Columbiana County Health Board guidelines.

ARTICLE 15 - ZONING CERTIFICATES AND FEES.

Section 15.1. Zoning Certificates.

- 15.1.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged, in whole or in part, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform to all the requirements of this Ordinance. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specification and the intended use conform to the provisions of this Ordinance.
- 15.1.2 Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.

Section 15.2. Conditions under which Zoning Certificates are required.

A Zoning certificate shall be required for any of the following, except as otherwise herein provided:

- 15.2.1. Construction or structural alteration of any building, including accessory buildings;
- 15.2.2. Change in use of an existing building or accessory building to a use of a efferent classification;
- 15.2.3. Occupancy and use of vacant land;
- 15.2.4. Change in the use of land to a use of a different classification; and,
- 15.2.5. Any change in the use of a non-conforming use.

Section 15.3. Application and Issuance of Zoning Certificates.

- 15.3.1. Written application for a zoning certificate for the construction of a new building or for the alteration of an existing building shall be made at the same time as the application for a building permit. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.
- 15.3.2. Written application for a Zoning Certificate for the use of vacant land or for a

change in the use of land or of a building or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the certificate therefore shall be issued within ten (10) days after the application for same has been made.

15.3.3. Every application for a zoning certificate shall be accompanied by a plot plan drawn to scale and such other plans as may be necessary to show the use, location and/or type of building to be erected or alterations to be made.

Section 15.4. Fees for Zoning Certificates.

15.4.1 A fee, in accordance with the following schedule, shall accompany each application for a zoning certificate, and shall be deposited to the credit of the General Fund of the Village.

<u>Building</u>	<u>Fee</u>
Residential Construction: 1,000 sq ft or less	\$60.00
Each additional sq ft shall be	\$ 0.02
Accessory Buildings,	\$15.00
Plus one half percent of total cost.	.005%
Addition or alteration to existing building	\$25.00
Commercial or Industrial construction with a minimum of \$100.00.	\$.03 per square foot
Fence Permit	\$15.00
Pool Permit	\$20.00
Satellite Dish Unit Permit	\$10.00
Zoning Code	\$15.00
Zoning Map	\$15.00
Conditional Use Permit	\$50.00 + \$2.00 for each notified over 10
Rezoning Application	\$50.00 + \$2.00 for each notified over 10
Board of Zoning Appeal	\$50.00 + \$2.00 for each notified over 10.
Signs of less than fifty (5) square feet	\$15.00
Signs of greater than fifty (50) square feet	\$30.00

Other: The fee for inspections of construction, alteration and repairs not covered under the above shall be twenty five (25) dollars for any building, remodeling, alteration, removal and equipping if the total cost or value is less than five hundred (500) dollars, and twenty five (25) dollars plus one half of one percent (0.005%) of the total cost or value of the operation if such total cost or value exceeds five hundred (500) dollars.

No fee or fees collected from within this Ordinance shall be refundable.

15.4.2. Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept in the Office of the Zoning Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

Section 15.5. Zoning Certificates for Nonconforming Uses.

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of the Ordinance. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful non-conforming use upon request of the owner. Refusal of the Zoning Inspector to issue a certificate for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

Section 15.6 Violations and Penalties.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge change, maintain or use any building or land in violation of any regulations in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council. Unless otherwise provided for herein, any person, firm or corporation violating any regulation in or any provision of this Ordinance or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more that One Hundred (100) dollars. Each and every day during maintenance or uses continues may be deemed a separate offense.

Section 15.7. Violations and 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 this Ordinance or any amendment or supplement thereto, the Zoning Inspector, the legal representative of the Village, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 16 - DISTRICT CHANGES AND ORDINANCE AMENDMENTS

16.1. Change

Whenever the public necessity, convenience, general welfare, or good zoning

practice requires, the Council may by Ordinance, after receipt of a recommendation thereon from the Planning Commission, and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications or property by law, amend, supplement or change regulations, district boundaries or classifications of property, not or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

Section 16.2. Initiation of Amendments.

A proposed amendment of the Zoning Text or Map be initialed by the Planning Commission or Council. If initiated by Council it shall be referred to the Planning Commission. It may be initiated at the request of the owner of the property involved or any other person having an interest in the premises affected in which event the proposed change shall be in the form of a petition and accompanied by an accurate map drawn to scale of the property proposed to be changed and a legal description shall be subject to approval of the Village Solicitor. The person or persons requesting the change shall also furnish to the Planning Commission the last known name and address of the owners of all property within two hundred (200) feet of the area proposed to be changed, as shown upon the records of Columbiana County. Where all property within two hundred (200) feet is under the same ownership as the property proposed to be changed, the names and address of owners of all property adjoining that included in the proposed change shall be furnished to the Planning Commission.

Section 16.3. Action by the Planning Commission.

16.3.1. The Commission shall be allowed not more than forty-five (45) days after the first regular meeting, after the receipt of the proposed amendment to consider the proposal. A public hearing may be held at the discretion of the Commission or at the request of the owner of the property involved or any other person having an interest in the property, for any proposed amendment to the zoning text or map, If a public hearing is to be held, notice of the time, place and purpose of such hearing shall be given by:

a. Publication at least twice in a newspaper of general circulation in the Village, The first publication shall be not less than ten (10) days prior to the date of the hearing.

b. Where the proposed amendment is in effect a change in the Zoning Map, written notice of the hearing shall be mailed by the Secretary of the Commission, by first class mail, at least five (5) days prior to the date of such hearing, to the owners of all property within two hundred (200) feet or adjoining property as prescribed in Section 16.2. The failure of delivery of such notice shall not invalidate the proceedings or finding of the Commission.

c. The Commission shall be allowed not less than ten (10) days nor more than forty-five (45) days, unless extended by Council, after said hearing for submitting their recommendations or an amendment to the Zoning text or map to Council.

Section 16.4. Action by Council.

- 16.4.1. After receiving recommendations or a proposed amendment from the Commission or after the forty-five (45) day no decision period by the Commission, the Council shall advertise and hold a public hearing thereon. For all proposed text or map amendments, at least one (1) notice of said public hearing shall be given in a newspaper of general circulation in the Village at least thirty (30) days prior to the date of the hearing.
- 16.4.2. Where the proposed amendment is in effect a change in the Zoning Map, written notice of the hearing shall be mailed by the Clerk-Treasurer of Council, by first class mail, at least twenty (20) days prior to the date of said hearing, to the owners of all property within two hundred (200) feet or adjoining property as described in Section 16.2. The failure of delivery of such notice shall not invalidate any such amendment.
- 16.4.3. The published and mailed notification shall set forth the time and place of the public hearing and a summary of the proposed amendment. During the thirty (30) days' advertising period the text or copy of the text of such Ordinance or amendment and the maps, plans and reports submitted by the Commission shall be on file for public examination, in the office of the Clerk-Treasurer of Council or in such other office as designated by Council.
- 16.4.4. After the public hearing the Council may adopt the proposal as recommended by the Commission by majority vote of its entire membership. If the Council modifies the proposal it may resubmit the proposed modification to the Commission for further consideration and approval. The Council may adopt the modified proposal without resubmitting it to the Commission and without the approval of the Commission by a five-sixth (5/6) vote of the full membership of Council. The Clerk-Treasurer of the Council shall submit a copy of any action in regard to this Article to the Commission.

Section 16.5. Application Fees.

- 16.5.1. At the time that an application for a change of zoning districts is filed with the Planning Commission, as provided herein, there shall be deposited with the Clerk-Treasurer the sum of Fifty (50) Dollars as a fee to cover investigation, legal notices and other expenses incidental to the determination of such matter, such fee to be for one (1) lot or part of one (1) lot. An additional fee of Five (5) Dollars shall be deposited for each additional lot or part of an additional lot which may be included in the request, such additional lot or part of a lot to be adjacent to each other. Such sums so deposited shall be credited by the Clerk-Treasurer to the General Fund.

ARTICLE 17 - ZONING DISTRICT MAP.

The Zoning District Map attached hereto, incorporated herein, be and the same hereby is approved and adopted as the official Zoning District Map of the Village of Leetonia.

ARTICLE 18 - INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance or which shall be adopted or issued pursuant to law relating to the use of building or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of building or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provision of this Ordinance shall control.

ARTICLE 19 - SEPARABILITY.

If any article, section, subsection, paragraph, sentence or phrases of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

ARTICLE 20 - EFFECTIVE DATE.

This Ordinance shall become effective on _____.

ARTICLE 21 - REPEAL OF ORDINANCE NO. 97-1791, AS AMENDED

Ordinance No. 97-1791, as amended, be and hereby is repealed effective upon the date this new Zoning Ordinance takes effect.

ARTICLE - 22 - OPEN MEETING

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 or the Ohio Revised Code.

