

VILLAGE
OF
LEETONIA
ZONING
CODE

Passed on December 6, 2017, Ordinance Number 17-2502

Effective Date January 5, 2018

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ARTICLE 1 – TITLE AND OBJECTIVES

Section 1.01 Title

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

Section 1.02 Objectives

- A. 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;

1. 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.
2. 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.
3. 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.
4. Commercial districts recognize different types of commercial areas that will be needed by the future growth of the community. There are business districts for the typical business facilities.
5. Two industrial districts are established, one for light industry and one for heavy or unrestricted industry.

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ARTICLE 2 – DEFINITIONS

Section 2.01 Intent

- A. 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 Planning 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.

Section 2.02 Definitions

- A. The following definitions shall apply unless the context clearly indicates or requires a different meaning:
1. Acceptable or accepted: When no construction qualifications are applied to material devices or mode 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. 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.
 3. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
 4. Adult Entertainment or Sexually Based Business: See ARTICLE 17.
 5. 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 personal 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.
 6. Apartment: A room or suite of rooms, within a house, intended, designed or used as a residence by a single family.

7. Apartment Building: A building designed for or containing apartments or suites or rooms for residence.
8. Area:
 - a. Floor area: The total area of all stories or floors finished as living accommodations, measured to the outside of exterior walls or the center of party walls.
 - b. Area of a Building: The floor area taken at mean grade level.
 - c. Room Area: The floor area of a room measured inside from wall to wall.
9. Assisted Living Facility: A multiple-unit residential facility, that provides or arranges for 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.
10. Automotive Repair: Commercial repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service, painting and steam cleaning.
11. Automotive Sales: Commercial sale or rental of new or used vehicles or trailers.
12. Automotive Salvage: Commercial dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.
13. 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.
14. 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 guests 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.
15. Board: The Board of Zoning Appeals.
16. Board of Health: The Board of Health of Columbiana County.

17. Boarding House: A building, other than a hotel, or apartment hotel where, for compensation and by arrangement for definite periods, lodging, meals, or lodging and meals fare provided for three or more persons.
18. 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.
19. 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.
20. 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 gambrel roofs.
21. Building. Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
22. 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.
23. Cellar: See basement.
24. 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 disabled or emotionally handicapped, for part of the 24 hour day be a person or persons other than his caretaker, parent or guardian.
25. Clinic: An establishment operated or occupied by four (4) or more individuals engaged in professional services.
26. 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.
27. Commission: Refers to the Planning Commission.

28. 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 herein. All such uses shall require a Conditional Use Permit.
29. Council: The legislative authority of the Village of Leetonia.
30. District: A portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
31. Dormitory: A room in a dwelling used as a sleeping room or for sleeping purposes by four (4) or more unrelated persons.
32. Double House: 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.
33. Dwelling: Any non-movable building or portion thereof which is designed for or used for residential purposes.
34. Dwelling – Single Family: A building designed for or occupied exclusively by one family.
35. Dwelling – Two Family: A building designed for or occupied exclusively by two families.
36. Dwelling – Multiple Family: A building designed for or occupied exclusively by three or more families.
37. Dwelling Unit: 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.
38. Enforcement Officer: The official designated herein, or his authorized representative, who is charged with the responsibility of administering the Zoning Ordinance.
39. 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.
40. 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 reasonably 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 than structures for the purpose of housing the essential services named herein.

41. Exterior Property Areas: The open spaces on the premises under the control of the property owner or operators of such premises.
42. Family: At least one adult and usually one or more persons legally related to said adult and living in the same dwelling unit.
43. Fence: A barrier intended to prevent escape or intrusion or to mark a boundary or to produce privacy.
44. Financial Services: Banks, saving and loan associations, credit unions and small loan companies.
45. Flat: A two family dwelling, two stories in height, with each floor containing a complete dwelling unit.
46. Floor Space: See Floor Area under Area
47. Flush Water Closet: 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.
48. Garage: A detached accessory building or portion of a main building housing the vehicles of the occupants of the premises. Not more than one (1) of the vehicles may be a commercial vehicle or not more than two (2) ton capacity.
49. 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
50. Gasoline Service Station: Any building, structure of land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories but not including major repair work, such as motor replacement, body and fender repairs or spray painting.

51. 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.
52. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
53. Gross Floor Area: The total area of all habitable space in a building or structure.
54. Guest: Any person who shares a dwelling unit in a non-permanent status for not more than thirty days.
55. Habitable Room: 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.
56. Health Commissioner: The Health Commissioner of the Columbiana County Health District or his authorized representative.
57. Home Occupation: An employment performed by the owner on his own private residential dwelling.
58. Hotel: 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.
59. Housing Inspector: The official, or his authorized representative, designated by council to enforce this code.
60. Infestation: The presence within or around a dwelling of any insects, rodents, vermin or other pests

61. Junk: 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
62. Junk (Salvage) Yard: Any building and/or open space where waste or discarded materials are stored, processed or sold.
63. Landscaped Area: An area that is maintained and permanently devoted to the growing of shrubbery, grass, and other plant material.
64. Large Residential Facility: A residential facility providing accommodations and personal care services for six (6) to sixteen (16) persons and regulated as a residential facility that meets the criteria specified in Ohio Revised Code 5119.34 (B)(1)(b).
65. Level: Any floor of a building, all of which lies in the same horizontal plane throughout.
66. Living Area: A dwelling or portion thereof providing separate living, cooking, eating, sleeping and sanitary facilities.
67. 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; canning; carpenter shop; cesspool pumping, cleaning and draining; contractors equipment; 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.
68. 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 600 square feet, a minimum width of 12 feet, a minimum depth of 50 feet, and a vertical clearance of at least 14 feet.
69. 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.
70. Major Highway: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication between large areas.

71. Manufacturing: The process of compiling, fabricating, assembling or otherwise providing a product from materials or components.
72. Mobile Home: 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.
73. Motel: A building similar to a hotel but having particularly convenient parking area for automobiles.
74. Multiple Dwelling: A building containing more than two dwelling units and/or rooming units.
75. Non: Is a preferred prefix to be used with “combustible and flammable” rather than the prefix ‘in”.
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 in which it is situated.
77. Nursing Home: A home used for the reception and care of individuals, who by reason of 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.
78. Occupant: Any person, over one year of age, living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.
79. Offices: A building or structure used for the directing headquarters of an enterprise or organization or for the rendering of professional services.
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.
81. Operator: Any person who has charge, care, control or management of a building or part thereof in which dwelling units or rooming units are let.
82. Owner: 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.
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.

84. Person: An individual, firm, corporation, association or partnership.
85. Personal Services: Any enterprise conducted for gain which primarily offers services to the general public.
86. Planning Commission: The Planning Commission of the Village of Leetonia.
87. Plant Cultivation: The non-commercial cultivation of crops, horticulture, floriculture and viticulture including fruit trees, nursery stock, garden products and similar plant materials for personal use or the property owner.
88. Premises: A lot, plot or parcel of land, including the buildings or structures thereon.
89. Privacy: 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.
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, realtors, and/or similar professions.
91. Public Uses: Any use conducted by a governmental entity for public purposes.
92. Public Service Facility: A facility for any service operating under authority granted by a governmental body.
93. Recreational Facilities: Any building, area or use where members of the public may engage in sports or similar recreational activities.
94. Residential Facility: A publicly or privately operated home or facility as defined and regulated in Section 5119.34 of the Ohio Revised Code.
95. Residential Floor Area: The interior floor area of a dwelling including stairways, halls and closets, but not including basements, porches, garages or carports.
96. 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.

97. Retail Business: Any business selling goods or services directly to the consumer and/or customer.
98. 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.
99. Rooming House: Any dwelling or part thereof containing one or more rooming units, and/or one or more dormitory rooms.
100. 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.
101. Semipublic Uses: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.
102. Safety: The condition of being free from danger and hazards which may cause accidents or disease.
103. Sign: See Article 9.
104. Small Residential Facility: A residential facility providing accommodations and personal care services for one (1) to five (5) unrelated persons and licensed as a residential facility that meets the criteria specified in Ohio Revised Code 5119.34 (B)(1)(b).
105. 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.
106. 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.
107. 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.

108. Story: Is that part of a building, other than a basement not used for dwelling purposes, between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling above.
109. Street: A street is a public dedicated right-of-way used, or intended to be used, for passage or travel by motor vehicles.
110. Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" does not include fences, walls, drives, sidewalks or portable parking garages.
111. Supplied: Paid for, furnished by, provided by or under the control of, the owner or operator.
112. Swimming Pool: Is a man-made structure constructed of material other than natural earth or soil, not located within a completely enclosed building, designed or used to hold water for the purpose of providing swimming or bathing therein to a depth of three (3) feet or more.
113. Tavern: A saloon or place primarily and predominately used for the retail sale of beer, wine and liquor, though food is usually served.
114. Temporary Housing: 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.
115. 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.
116. Village: Village of Leetonia.
117. 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.
118. 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.

119. 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.
120. 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.
121. 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.
122. Zoning Certificate (Permit): The document used by the Zoning Inspector authorizing the use of land or buildings.
123. Zoning District Map: The zoning district map or maps on the Village, together with all amendments thereto subsequently adopted.
124. Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Council of the Village of Leetonia.

ARTICLE 3 – DISTRICTS AND GENERAL PROVISIONS

Section 3.01 Districts

- A. The incorporated area of the Village of Leetonia, Ohio, 44431, is hereby divided into districts, known as:

RU	Residential Rural
RC	Rural Conservation
RS	Residential 1
RD	Residential 2
B-1	Business
B-2	Business
B-3	Business
M-1	Light Industrial
M-2	Heavy Industrial

Section 3.02 District Map

- A. 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 have 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.
- B. 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.
- C. No changes of any nature shall be made on the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Ordinance.
- D. 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.
- E. All territory annexed to the Village which is unzoned at the time of annexation shall be placed in the Residential Rural District (RU) until otherwise changed by Ordinance. As soon as practicable after the annexation of territory to the Village, proceedings shall be instituted by the Planning Commission and Village Council to include the annexed territory in one or more of the Zoning districts defined in this Ordinance as amended.
- F. 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.
- G. 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 be complied with.

Section 3.03 District Boundaries

- A. 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.
- B. 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.
- C. 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 3.04 Compliance with Regulations

- A. 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:
 - 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.
 - 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. 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.

4. No yard or lot existing at the time of passage of this Ordinance shall be reduced 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 3.05 Nonconforming Uses

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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 (1) year of the date of such damage.
- F. 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 use, 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 Conditional 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 3.06 Pending Application for Building Permit

- A. 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 one (1) year period and not discontinued until completion, except for reasons beyond the builder's control.

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ARTICLE 4 – DISTRICT USE REGULATIONS

Section 4.01 General

- A. 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 and/or Planning Commission to be included under this Ordinance shall not be permitted except by amendment of the Zoning Ordinance.

Section 4.02 Use Regulations

- A. 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.
1. The Main Building and Uses set forth as permitted uses in Section 4.3 and further regulated in subsequent articles and/or sections, shall be permitted by right as the principal building or use of a lot only in a district in which it is specifically permitted.
 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 incidental 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.
 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 this Ordinance. If approved, a Conditional Use Permit shall be granted. The general standards for conditional uses are set forth in Article 12 herein.

Section 4.03 District Regulations

- A. Residential Rural District (RU)
1. 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:
 - a. Agricultural activity, single family dwelling, park and forest preserve, church and public schools.

- b. Roadside stands for the display and/or sale of agricultural products raised on the land thereof.
- c. Golf course, greenhouse or nursery.

2. Conditional Uses:

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

3. Yard and Lot Requirements

a. Minimum Yard Requirements:

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

b. Minimum Lot Area:

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

c. Minimum Width for all lots is 150 feet.

4. Height Regulations

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

B. Rural Conservation District (RC)

1. Permissive Uses: Within the "RC" District, no building, structure or premises may be used, designated to be used, or arranged for more than one use as follows:

- a. Agricultural Activity
- b. Park or Forest Preserve
- c. Cemetery
- d. Golf course

2. Conditional Uses

- a. Extraction of coal, sand and gravel.
- b. Privately operated outdoor recreational facility, including riding stables, lake, swimming pool, and golf course on a site not less than five (5) acres.
- c. 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.
- d. Guest Ranch, hunting and fishing resort, and ski resorts, provided they are not situated on a site less than twenty (20) acres.
- e. Transmission towers conditioned upon compliance with Section 8.4 of this Ordinance.

3. Yard and Lot Requirements

Minimum Yard Requirements:

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

4. Minimum width for all lots is 150 feet.

5. Height Regulations

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

C. Residential - 1 (RS)

1. 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:
 - a. Single Family Dwelling
 - b. Public Park or Playground
 - c. Church or Public Schools
 - d. Large Scale Residential Development

2. Conditional Uses:
 - a. Private lake, swimming pool, tennis court, nursery or private recreational facility, when such site is located on not less than three (3) acres.
 - b. Public building erected by a Government Agency.
 - c. Hospital, nursing home, educational, philanthropic or religious institution, when such site is located on not less than five (5) acres.
 - d. Small residential facility: However, in order to prevent the excessive concentration of small residential facilities in a residential neighborhood, the Village shall not grant a conditional use which would permit more than one (1) small residential facility within a 2,500 foot radius of another small residential facility.

3. Yard and Lot Requirements
 - a. Minimum Yard Requirements:

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

 - b. Minimum Lot Area:

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

 - c. Minimum Width for all lots is fifty five (55) feet.

4. Height Regulations

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

D. Residential - 2 (RD)

1. 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:

- a. All permissive uses of the "RS" District.
- b. Two Family and Multiple Family Dwellings.
- c. Home based business: the home must be occupied by the owner of the property.

2. Conditional Uses:

- a. Public buildings erected by any Governmental Agency.
- b. Medical clinic nursing home, rest or convalescent home.
- c. Private school.
- d. Small residential facility: However, in order to prevent the excessive concentration of small or large residential facilities in a residential neighborhood, the Village shall not grant a conditional use which would permit more than one (1) small residential facility within a 2,500 foot radius of either another small or large residential facility.
- e. Large residential facility. However, in order to prevent the excessive concentration of small or large residential facilities in a residential neighborhood, the Village shall not grant a conditional use which would permit more than one (1) large residential facility within a 2,500 foot radius of either another small or large residential facility.

3. Yard and Lot Requirements

a. Minimum Yard Requirements:

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

- b. Minimum Lot Area:

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

- c. Minimum Width for all lots is fifty five (55) feet.

4. Height Regulations

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

E. BUSINESS DISTRICTS, B-1, B-2, and B-3

1. 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:

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

2. Yard and Lot Requirements

a. Minimum Yard Requirements:

Front Yard	25 Feet
Side Yard	10 Feet
Rear Yard	25 Feet

3. Height Regulations

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

F. INDUSTRIAL DISTRICT, LIGHT - M-1

1. Permissive Uses

- a. Any Permissive Uses of the "B" Districts.

- b. 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.
- 2. Conditional Uses: Conditional Uses will be decided on individual basis by the Planning Commission. No family dwelling will be permitted within this District.
- 3. Yard and Lot Requirements
 - a. Minimum Yard Requirements:

Front Yard	50 Feet
Side Yard	25 Feet
(Side Yards abutting Residential Zoned District must have 50 Feet)	
Rear Yard	50 Feet

4. Height Regulations

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

G. Manufacturing and Heavy Industrial District - M-2

1. Permissive Uses:

- a. Manufacturing and heavy industrial
- b. Machine or fabrication plants
- c. Commercial truck terminals.
- d. All permissive uses of M-1

2. Conditional Uses:

- a. Sexually oriented business conditioned upon further compliance with Article 17 and Article 12 herein.
- b. Conditional Uses will be decided on individual basis by the Planning Commission. No family dwelling will be permitted within this District.

3. Yard and Lot Requirements:

Front Yard	50 Feet
Side Yard	25 Feet
(Side Yards abutting Residential Zoned District must have 50 Feet)	
Rear Yard	50 Feet

4. Height Regulations:

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

Section 4.04 Large Scale Residential Development

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

1. The development shall have a minimum area of ten (10) acres.
2. 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 Planning Commission and/or the Council and is recorded.
3. The Planning Commission 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 Planning Commission 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. 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.

- B. Final Approval. The Planning Commission may hold one or more public hearings on a final development plan. The recommendations of the Commission shall be forwarded to the Council who shall approve or disapprove the action of the Commission with or without modification and after a public hearing. After approval by Council and after any required restrictions are in effect, the Zoning Inspector may issue applicable permits enabling the approved final development plan to be carried out.

Section 4.05 Prohibited Uses

- A. 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.
- B. 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.
- C. 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 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.
- D. 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.
- E. No storage of materials for recycling, processing, storage for resale is permitted in the front yard of a place of business.

- F. Any person, firm, corporation, partnership, limited liability company, association, or his/her agents, including owners and occupants of businesses or buildings, 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 Fifty Dollars (\$150.00) for each such offense. A separate offense shall be deemed to have been committed for each day during which a violation continues

Section 4.06 Conflicts of Law

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

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ARTICLE 5 - EXCEPTIONS AND MODIFICATIONS

Section 5.01 General

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

Section 5.02 Existing Lots of Record

- A. In any district where dwellings 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:
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.
 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.
 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.
 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. For the purpose of computing lot area per family, a depth of only two (2) times the lot width shall be used.

Section 5.03 Height

- A. The height regulations prescribed herein shall not apply to television and radio towers, 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 so long as they do not exceed seventy five (75) feet in height unless otherwise authorized herein.

- B. 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 front, 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.
- C. A building in the M-2 District may be erected to a height not exceeding eighty five (85) feet when the required front, side and rear yards are each increased by one (1) foot for each additional foot of additional building height above the height regulations for the district in which the building is located.

Section 5.04 Front Yards

- A. 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.
- B. On lots between two streets having double frontage, the required front yard shall be provided on both streets.
- C. Off-street parking facilities may be located within the required front yard of any "B" or "M" district.
- D. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- E. Sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features may project into a required yard not a distance to exceed two (2) feet, provided only that it does not restrict or prevent public safety.
- F. Terraces which do not extend above the level of ground floor may project into a required yard, provided these projections are at least two (2) feet from the adjacent side lot line.

Section 5.05 Side Yards

- A. 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.
- B. 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.
- C. 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.
- D. For the purpose of side yard regulations, a two-family dwelling or multiple-family dwelling shall be considered as one building occupying one lot.
- E. 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 5.06 Rear Yard

- A. 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 of 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 and side lot line.
- B. 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.

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ARTICLE 6 – OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.01 Off-Street Loading Requirements

A. Every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise shall provide and maintain on the lot, adequate space for the storage, loading or unloading of motor vehicles in order to avoid undue interference with the public use of dedicated rights-of-way. Standing, loading and unloading spaces shall be provided as follows:

1. All spaces shall be a minimum of twelve feet by fifty feet (12' x 50'), or six hundred (600) square feet in area, with a clearance of at least fourteen feet (14') in height.
2. Required off-street loading space is not to be included in the computation of required off-street parking spaces.
3. All off-street loading spaces shall be located totally outside of any street right-of-way.
4. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dust free surface.
5. All loading spaces in a business and industrial zoning district shall be provided according to the following schedule:

<u>Gross Floor Area (In Square Feet)</u>	<u>Number of Spaces</u>
0 – 25,000	1
25,001 – 40,000	2
40,001 – 100,000	3
100,001 – 160,000	4
160,001 and over	6

6. No loading spaces shall be located closer than one hundred (100) feet to any lot in any Residential District.

Section 6.02 Off-Street Parking Space Requirements

A. 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:

1. 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 in usable shape and condition.
2. 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 than eighteen (18) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder.
3. Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking lot in such a way to preclude draining water onto adjacent property.
4. Off-street parking spaces shall be provided for the physically handicapped in accordance with the rules and regulations established by the State of Ohio for making buildings and facilities accessible to and useable by physically handicapped people.
5. The number of off-street parking spaces required to serve the physically handicapped shall be provided in accordance with the following schedule:

<u>Total number of Spaces On the lot or in the building</u>	<u>Minimum Number of Accessible Spaces</u>
Up to 100 spaces	One (1) space per twenty-five (25) parking spaces.
101 spaces and over	Four (4) spaces plus one (1) space per fifty (50) parking spaces over 100 spaces.

6. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are to serve.

B.	<u>Number of Spaces to Be Provided</u> Auditoriums, theaters and other Places of public assembly	1 for every five (5) seats.
	Bed and Breakfast	1 plus 1 for each guest room
	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
	Residential Dwellings, including 1, 2, and Multiple family units	2 for each dwelling unit
	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 Institutions and Residential Facilities, Including both Small and Large Residential Facilities.	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 publishing 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	10 per class room
Elementary School (Grades 1-8)	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

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

1. In computing the number of Spaces required in the within Article, the following rules shall govern:
 - a. "Floor area" shall mean the gross floor area of the specified use.
 - b. When fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- 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 6.03 Special Parking Provisions

- A. 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.
- B. 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 6.04 Development and Maintenance of Parking Areas

- A. 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:
 - 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.

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.
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.
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 or highway.

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ARTICLE 7 – GENERAL PROVISIONS

Section 7.01 Corner Lots

- A. 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 streets, and both front yards must follow all requirements that apply to front yards.
- B. 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 than three (3) feet above curb or street grade or so as to interfere with traffic visibility across the corner. No fence, structure or plantings shall be erected or maintained within the public right-of-way.

Section 7.02 Minimum Living Area for Dwelling Units

- A. 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.

- 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

- 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 7.03 Village Sewer and Water is Unavailable

- A. 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 County Health Department.

Section 7.04 Porches and/or Decks

- A. Unenclosed porches may extend ten (10) feet into a side or front yard, providing the yard and lot requirements of that District are fulfilled.
- B. Unenclosed porches may not exceed twenty (20) percent of the rear yard.
- C. Enclosed porches will be considered as part of the main building and must comply with all requirements of that main building within that district.
- D. All porches whether unenclosed or enclosed shall cover the side, front, or rear, of such from the floor level to the grade.
- E. The fee for construction or alteration of any porch and/or deck is in accordance with the Fee Schedules adopted by the Village.

Section 7.05 Accessory Buildings

- A. 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.
- B. 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:
 - 1. 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 beside or behind the main building.
 - 2. 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 where such lot exceeds six thousand (6000) square feet, provided that no garage shall exceed one thousand (1000) square feet.
 - 3. 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.
 - 4. Whenever an accessory building is entered off an alley it must be kept a minimum of fifteen (15) feet from the alley.

C. Pre Fab Storage Building

1. A Pre Fab 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.
 - a. The Pre- Fab Storage Building must be a minimum of six (6) feet from the side lot line and a minimum of six (6) feet off the rear lot line.
2. In no case shall any Pre Fab Storage Building be over two hundred (200) square feet.
3. No more than one (1) Pre Fab Storage Building shall be permitted on a Village Lot zoned RS and/or RD.
4. The fee for a Pre Fab Storage Building will be in accordance with the fee scheduled set forth in Section 15.04.

Section 7.06 Modular, Manufactured Homes and Trailers

- A. Mobile Homes: No mobile homes shall be permitted within the Village.
- B. Modular Homes: Modular homes are considered homes built 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.
- C. Manufactured Home: A single-family house constructed and 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.
- D. The following requirements apply to modular and/or manufactured homes:
 1. All modular homes and/or manufactured homes must be supported with a pier system as per manufacturer's installations manual and/or "Manufactured Home: Installation Guide" by George Porter.
 2. All modular homes and/or manufactured homes must be anchored in accordance to the above mentioned reference, (7.06 (c)(1)).
 3. All modular homes and/or manufactured homes shall have their transportation wheels and tongue removed after setup.

4. 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. There must also be ventilation provided in accordance with the above mentioned references.
5. All modular homes and/or manufactured homes must be placed on a solid concrete slab, or a concrete block foundation.
6. All modular homes and/or manufactured homes shall be made a part of the real estate and the owner shall file with the County Auditor and meet all county requirements for this to occur.
7. All modular homes and/or manufactured homes must follow all applicable Zoning Ordinances for the District in which it is located.

Section 7.07 Trees, Shrubs, Etc.

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

Section 7.08 Gutters and Downspouts

- A. Every building, including accessory buildings 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 sewer system, or to a street gutter if no sewer is accessible. This requirement shall not apply to Pre Fab Storage building or accessory buildings under 200 square feet.

Section 7.09 Sidewalks

- A. See Village Ordinance 04-2010 for regulations concerning the construction, maintenance and repair of all sidewalks in the Village of Leetonia.
- B. Sidewalks shall be required on both sides of the street in all residential areas where the predominant lot width is less than 100 feet and on one side of the street where the predominant lot width is greater than 100 feet but less than 150 feet. No sidewalk shall normally be required where the predominant lot width is greater than 150 feet.
- C. Public sidewalks shall be required for all lots in a Business District.

Section 7.10 Driveways

- A. Driveway aprons shall be constructed of concrete as per latest 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 6x 4 roadway mesh.
- B. 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.
- C. An asphalt driveway/entrance for non-residential structures shall consist of a compacted sub-grade, three (3) inches 304 Limestone, four (4) inches aggregate, and four (4) inches of blacktop.
- D. The owner of a property where a driveway will be installed, altered, or modified must complete the Application for “Right of Way” construction.

Section 7.11 Construction Time Limits

- A. 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 of lot area shall be completed.

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ARTICLE 8 - SPECIAL PROVISIONS

Section 8.01 Performance Requirements

- A. 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:
1. 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.
 2. In any "M": District, at the boundary or boundaries of the District or at any point within an adjacent "R" District.
- B. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating 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 8.02 Trailers and Motor Homes

- A. Parking of a trailer in any district for forty 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 or motor home is parked or stored.

Section 8.03 Temporary Buildings

- A. 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 8.04 Transmission Towers

- A. 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.
- B. Transmission towers, and accessory buildings used only in connection with the operation thereof, may be constructed, operated and maintained only in the Rural Conservation District (RC) and only in compliance with the provisions of this Section.
- C. 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.
- D. 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.
- E. 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 or said transmission tower. Leetonia Village shall be named as an additional insured on said liability insurance policy.
- F. 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.

- G. 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.
- H. 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.
- I. All applications for a transmission tower permit shall be as per fee schedule set forth in Section 15.04.
- J. 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.
- K. Any person, firm, corporation, partnership, limited liability company, or association violating any of the provisions of this Section shall be deemed guilty of a minor misdemeanor and shall be fined not more than One Hundred Fifty Dollars (\$150.00) for each such offense. A separate offense shall be deemed to have been committed for each day during which a violation continues.

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ARTICLE 9 – SIGNS

Section 9.01 Statement of Purpose

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, may become a nuisance to adjacent properties or the community in general.
- B. The purpose of this Article is to regulate the number, size, illumination, movement, materials, location, height, and condition of all signs for exterior observation for the following reasons:
1. To preserve the noncommercial character of residential neighborhoods, and to provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial and industrial districts;
 2. To reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/or motion, which are likely to exceed the viewers capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
 3. To promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs;
 4. To preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism;
 5. To require that signs be constructed and maintained in a structurally sound and attractive condition;
 6. To maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
 7. To encourage aesthetic quality in the design, location, and size of all signs;
 8. To protect the public peace, general health, safety and welfare, convenience, and comfort, and to protect and encourage a more attractive business environment and the overall physical appearance of the community.

- C. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Article which shall be given effect without the invalid provision.

Section 9.02 Sign Definitions

- A. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
1. A-FRAME SIGN: See SANDWICH BOARD SIGN.
 2. ABANDONED SIGN: A sign that is Deteriorated (as defined herein), not authorized in accordance with the provisions of this Article, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Article.
 3. ADDRESS SIGN: Any street location identifier.
 4. BANNER: (FLAG) A non-freestanding, non-rigid cloth, plastic, paper, or canvas with a design, picture, or writing on it, or a Streamer.
 5. BLADE SIGN: See PROJECTING SIGN.
 6. BUILDING MOUNTED SIGN: (WALL SIGN) Any sign attached to, mounted, engraved, or erected against the outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the building façade. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings and any extensions thereon.
 7. CHANGEABLE COPY SIGN (MANUAL): A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by manual means without altering the face or surface of the sign.
 8. CLASS A – TEMPORARY SIGN: A sign constructed, in whole or substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that is not protected from exposure to the natural elements, but is made of weather-resistant materials that last for more than 7 days but less than 60 days without significant loss through exposure to the elements or wear and tear.
 9. CLASS B – TEMPORARY SIGN: A sign that, in whole or substantial part, is not made of weather-resistant material and not adequately protected from the natural elements.

10. COMMISSION: The Planning Commission of the Village of Leetonia.
11. DETERIORATED: Showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair.
12. ELECTRONIC SIGN: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.
13. FLAG: See BANNER.
14. FREE-STANDING SIGN: (GROUND SIGN, MONUMENT SIGN) A sign supported by or suspended from posts, pillars, columns, or other structures which are not a building or portion thereof.
15. FRONTAGE (LOT): The linear measurement of the border of a Lot that directly abuts a public right of way.
16. GARAGE SALE SIGN: A sign advertising the sale of personal property by individuals from residential property, which is characterized as a “garage sale”, “yard sale”, “lawn sale”, or any other such casual sale of personal property.
17. GAS-INFLATABLE SIGN/DEVICE: Any device which is capable of being expanded by any gas and used on a temporary basis. This definition includes both hot and cold air balloons tethered or otherwise secured to the ground.
18. GOVERNMENT SIGN: A sign erected, owned and maintained by the Village, State, or Federal (United State of America) Government.
19. GROUND SIGN: See FREE-STANDING SIGN.
20. HEIGHT (SIGN STRUCTURE): The maximum vertical distance between the highest and lowest points of the sign structure. Sign height may not be artificially increased by the use of mounding.
21. HUMAN SIGN (OR HUMAN BILLBOARD): A sign that is held or worn by a person, including but not limited to a human directional, sign walkers/wavers/twirlers, and “sandwich persons.” Human Sign does not include text or images that are displayed on a traditional article of clothing such as a jacket, shirt, pants, or hat.

22. ILLUMINATION, EXTERNAL: A constant (non-flashing) source of light directed towards signs so that the beam falls upon the exterior surface of the sign and so arranged that no direct rays of light project from such artificial source into residences or streets.
23. ILLUMINATION, INTERNAL: A source of illumination enclosed entirely within the sign and not directly visible from outside the sign.
24. LOT: (PARCEL, PROPERTY, PREMISES) A platted parcel or other tract of land separately identified with a unique parcel identification in the County Auditor's Records.
25. MESSAGE AREA: (SIGN FACE AREA) The entire area within a continuous perimeter that surrounds, but is not limited to each word, graphic, symbol, number, and illustration.
26. MONUMENT SIGN: See FREE-STANDING SIGN.
27. MURAL: A hand-painted, hand-tiled, or other similarly created or digitally printed image on the exterior wall of a building.
28. NONCONFORMING SIGN: A pre-existing legal sign which does not conform to the standards set forth in this Article.
29. PARCEL: See LOT.
30. PERMANENT SIGN: A sign for which a permit has been granted as a permanent sign, and is a sign constructed of materials to be protected from exposure to the natural elements for more than one year or is made of materials that are weather-resistant for multiple years without significant deterioration from exposure to the elements or wear and tear.
31. POLE SIGN: See GROUND SIGN.
32. PORTABLE SIGN: A sign constructed of metal, wood, nylon, or other weather-resistant materials designed to withstand exposure from the natural elements for more than 60 days without significant loss through exposure to the elements or wear and tear, and for which a permanent sign permit has not been obtained.
33. PREMISES: See LOT.
34. PROJECTING SIGN: (BLADE SIGN) A sign projecting from the face of the building that is oriented so the sign face is perpendicular to the building façade.

35. PROPERTY: See LOT.
36. REFACING: Any alteration to the face of a sign involving the replacement of materials or pans. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.
37. RIGHT-OF-WAY LINE: The line, as platted or otherwise appearing upon the maps of the Village of Leetonia and/or Columbiana County, between a public street, road, highway, alley, or sidewalk and the adjacent private property (LOT/PARCEL); including, but not limited to, the paved or otherwise improved portion of such public street, road, highway, alley, or sidewalk.
38. SANDWICH BOARD SIGN (A-FRAME SIGN, SIDEWALK SIGN): A sign with two hinged boards or faces which can be placed on the ground, or a rigid sign that is worn on the front and back of a person, that is used on a temporary basis.
39. SIDEWALK SIGN: See SANDWICH BOARD SIGN.
40. SIGN: Text, illustrations, or shapes which are affixed to, portrayed, or depicted directly or indirectly upon any surface for outdoor public view. This definition includes all signs visible from any public right-of-way or adjacent property.
41. SIGN FACE AREA: See MESSAGE AREA.
42. SIGN STRUCTURE: The supporting unit of a sign face, including but not limited to frames, braces and poles. If the Sign Structure has a communicative element to it, the Sign Structure is included in the Message Area.
43. STATE: State of Ohio.
44. STREAMER: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, usually suspended in series. A streamer may have pennants and/or banners attached.
45. TEMPORARY SIGN: A Class A-Temporary sign, a Class-B Temporary sign, or a Portable sign.
46. VARIANCE (SIGN): A variance may be granted allowing deviations from regulations established by this Article for: height and width of the sign area, height and width of the message area, setback, lighting, or time, place, and manner restrictions, where practical difficulties unique to the property in questions prevent full compliance with such provisions.

47. VEHICLE SIGN: A sign painted on, placed in or upon or otherwise attached to a motor vehicle, railroad car or a trailer attached thereto which is lawfully traveling over or upon an alley, street, highway or railroad track within the Village; or lawfully parked within the Village.
48. VILLAGE/MUNICIPALITY: The Village of Leetonia, Ohio.
49. WALL SIGN: See BUILDING MOUNTED SIGN.
50. WIDTH (SIGN STRUCTURE): The maximum horizontal or semi-horizontal distance between the two points of a sign structure.
51. WINDOW SIGN: Any signs, posters, symbols and other types of identification, directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.
52. ZONING OFFICIAL: The Zoning Officer of the Village of Leetonia as appointed by the Village Council.

Section 9.03 Prohibited Signs

- A. Signs are prohibited in all Districts unless specifically defined, authorized and constructed in compliance with this Article, the Ordinances of Leetonia, Ohio and any other applicable regulations, or a variance granted pursuant to Section 9.15 herein.
- B. All Permanent signs require a permit in accordance with the provisions of this Article and such signs not having a permit are prohibited. Signs authorized for temporary use by the provisions of this Article do not require a permit.
- C. Abandoned signs are prohibited in all districts.
- D. Unattended signs on public property, including, but not limited to, parks and rights-of-way, shall be considered abandoned signs. These abandoned signs may be disposed of or destroyed without notice or compensation. Such disposal or destruction is not subject to appeal.
- E. Any sign which requires a permit in accordance with this Article and not having such permit shall be prohibited.

Section 9.04 Permanent Signs Permitted in Residential (RU, RS, and RD) and Rural Conservation (RC) Districts

- A. The purpose of the residential and rural conservation districts-specific sign regulations is to preserve the noncommercial character of such districts. As such, the regulation of the size, illumination, materials, location and height of signs in such districts shall be different than signs in commercially and industrially zoned districts. The following permanent signs are permitted on property in all Residential (RU, RS, and RD) and Rural Conservation (RC) Districts:
1. One unlighted free-standing or wall announcement sign for any church, school and any religious, public, quasi-public or educational institution which shall not be over six (6) square feet in area. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 2. One unlighted free-standing or wall nameplate not more than six (6) square feet in area announcing the name and occupation of a home occupation use. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 3. One unlighted free-standing or wall sign not more than six (6) square feet in area used in conjunction with a seasonal roadside stand to advertise agricultural products produced on the premises. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility. Such sign shall be covered at the conclusion of seasonal sales.
 4. One unlighted free-standing sign not more than six (6) square feet in area, identifying a subdivision or neighborhood at each entrance to such subdivision or neighborhood. Such sign shall not be located closer than ten feet from any right-of-way and shall not obstruct traffic visibility.

Section 9.05 Permanent Signs Permitted in Business (B-1, B-2, and B-3) and Manufacturing (M1 and M2) Districts

- A. The following permanent signs are permitted on property in all Business (B-1, B-2, and B-3) and Manufacturing (M1 and M2) Districts, provided that no sign, other than an electronic message board sign which shall be restricted and regulated in accordance with the provisions of division (A)(5) below, shall be located closer than 25 feet from any lot located in any Residential or Rural Conservation (RC) District:

1. Such signs as may be appropriate to any business, church, school, religious, public, quasi-public or educational institution building for the purpose of displaying the name and activities therein. Such signs, limited to three (3) in number, may take the form of a building mounted sign, a free-standing sign or a projecting sign in accordance with the provisions of divisions (A)(2), (A)(3) or (A)(4) below.
2. One building mounted sign may be erected which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, merchandise or commodities produced, stocked and/or sold on the premises. Such sign shall be affixed flat against the wall of a building and shall not project therefrom more than one foot. No such sign shall extend beyond the width or height of the wall to which it is attached. The sign shall not exceed 50 square feet or 10% of the area of the face of the building to which the sign is affixed, whichever is the larger. The sign shall not exceed 100 square feet in any case.
3. One free-standing sign which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, merchandise or commodities produced, stocked and/or sold on the premises shall be permitted, provided that such sign conforms to the following requirements:
 - a. The allowable area of any sign may be one-half of the total front footage of the lot up to a 150-foot frontage (75 square feet maximum);
 - b. The maximum height of any sign at the setback line shall be 25 feet, but may be increased one foot in height for every five feet of setback from the setback line. No sign shall exceed 35 feet in height;
 - c. No portion of any sign shall be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility;
 - d. The area of a sign may be increased one square foot for every one foot from the setback line. No sign shall exceed 100 square feet in area; and
 - e. The additional height and area allowances made in divisions (3)(b) and (3)(d) hereof apply only if the sign is placed in the center one-third of the lot frontage. If a sign is placed outside the center one-third of the lot frontage, the size of the sign shall be reduced by 50% of the permitted size.

4. One projecting sign advertising an industrial activity, business or service conducted upon the premises and/or advertising products, merchandise or commodities produced, stocked and/or sold upon the premises is permitted, which sign shall not extend into the public right-of-way used by vehicular traffic. The sign shall not exceed 20 square feet in area and shall be constructed and erected so that the lowest portion thereof is not less than eight feet above the finished grade.
5. Changeable copy sign.
 - a. Any of the signs allowed in accordance with the provisions of divisions (A)(1), (A)(2), (A)(3), or (A)(4) above may take the form of a changeable copy sign which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, services, merchandise or commodities produced, stocked and/or sold upon the premises and shall be permitted so long as the sign conforms to all other sign regulations set forth in this code. Said changeable copy sign may also display other pertinent information such as civic announcements, time/temperature, and/or patriotic and like messages.
 - b. The message, display or content of a changeable copy sign may be manually changed or changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices, or it may be from an external light source designed to reflect off the changeable component display. (These electronically energized signs shall be known as electronic message board signs.)
 - c. The message area of an electronic message board sign may be illuminated by incandescent lamps, a light emitting diode (LED) or magnetic discs. Regardless of the light source, undue brightness is prohibited. For the purpose of enforcing this provision “undue brightness” will be construed to mean illumination of a white portion of the sign in excess of the intensity levels specified as day: 5,000 NITS; night: 1,000 NITS. NITS is a standard of LED display manufacturers and means brightness per square meter.
 - d. To ensure compliance with provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce the nighttime brightness levels (compared to daytime levels). Further, prior to issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory

pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other method as deemed appropriate by the Planning Commission. All electronic message board signs shall have adjustment via software photocell or traditional photocell hardware.

- e. Changeable copy sign displays shall be limited to static displays or messages that appear or disappear from the display through dissolve, fade or scroll modes or similar transitions and frame effects that have text or images that appear to move or change in size, or the appearance of optical illusion of movement, of any part of the sign structure, design or pictorial appearance of optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including movement of any illumination or the flashing, scintillating or varying of light intensity. With regard to changeable copy sign displays, the following terms shall be accordingly defined:
1. “Dissolve.” A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous with the gradual appearance and legibility of the second message.
 2. “Fade.” A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
 3. “Frame.” A complete, static display screen on the electronic message display.
 4. “Frame effect.” A visual effort on an electronic message display applied to a single frame to attract the attention of viewers.
 5. “Scroll.” A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
 6. “Transition.” A visual effect used on an electronic message display to change from one message to another.

7. "Travel." A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.
- f. Electronic message board signs are prohibited within 200 feet of a principle structure in a Residential Zoning District, if any part of the sign would be visible from said structure. At the time of the filing of the permit application, the applicant will have to demonstrate that this standard is met. This may be accomplished either by showing that this standard is not applicable or by submitting a landscape plan or a plan referencing other means of screening that would buffer the sign face from the principle residence structure.
6. In addition, signs, limited to two (2) in number, each of which shall not exceed 20 square feet in area, may be permanently painted or lettered upon windows or doors of the building.

Section 9.06 Permanent Signs Permitted in Any District

- A. The following permanent signs are permitted in any district, however any such sign located in Residential (RU, RD, and RS) or Rural Conservation (RC) Districts shall not be lighted:
 1. Unlighted street identification signs and address signs not to exceed four square feet in area; traffic informational or control devices or signs erected by the Village, State or Federal Government; as well as any sign erected and maintained by the Village and any sign required to be posted by the Federal Government, the State, the Village or a court of competent jurisdiction on a temporary or permanent basis.
 2. One building mounted memorial sign or tablet with the name of a building and the date of erection. Such signs or tablets shall have an area not to exceed 20 square feet.
 3. Awnings and canopies are permitted for public convenience. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not to exceed 80% of the surface of the front or side portions thereof.

Section 9.07 Temporary Signs Permitted in Designated Districts

- A. The following unlighted temporary signs are permitted upon private property in Residential (RU, RD, and RS) and Rural Conservation (RC) Districts:
1. Not more than one (1) portable sign is permitted to be placed upon a lot, which sign(s) may remain there for sixty (60) or more days, but not to exceed 180 days in total. Such portable sign shall not exceed six (6) square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 2. Not more than four (4) Class A temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than sixty (60) days. Such Class A temporary sign(s) shall not exceed six (6) square feet in area per sign, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 3. Not more than four (4) Class B temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for seven (7) days or more, but not to exceed one hundred eighty (180) days in total. Such Class B temporary sign(s) shall not exceed six (6) square feet in area per sign, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
- B. The following temporary signs are permitted upon private property in Business (B1, B2, and B3) and Manufacturing (M1, M2) Districts:
1. One (1) portable sign is permitted to be placed upon a lot, which sign may remain there for sixty (60) or more days, but not to exceed 180 days in total. Such portable sign shall not exceed 20 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 2. Not more than four (4) Class A temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than sixty (60) days. Such Class A temporary sign(s) shall not exceed six (6) square feet in area per sign, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 3. Not more than four (4) Class B temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for seven (7) days or more, but not to exceed one hundred eighty (180) days in total. Such Class B temporary sign(s) shall not exceed six (6) square feet in area per sign, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.

4. One (1) gas-inflatable sign/device is permitted to be placed upon a lot on not more than two occasions in any one calendar year for not more than three (3) consecutive days on each such occasion. Such sign/device shall not exceed 15 feet in height, nor 5 feet in width, when inflated, nor shall the same be located closer than 20 feet from any right-of-way line and shall not obstruct traffic visibility.
- C. A vehicle sign which is a sign painted on, placed in or otherwise attached to a motor vehicle, railroad car or a trailer attached thereto which is lawfully traveling over or upon an alley, street, road, highway or railroad track within the Village, or lawfully parked within the Village, is permitted within any District within the Village, upon the condition that such sign shall not obstruct traffic visibility.

Section 9.08 Location and Number of Signs and General Requirements

- A. In addition to the requirements of 9.03 through 9.04 the following locational criteria shall apply.
1. Where signs are permitted to project over public property, they shall not be supported from the public property in any way. Canopies may be supported from any public property or right-of-way, provided that supporting materials are designed and located to cause minimal disturbance to the function for which the public property or right-of-way was intended.
 2. No sign attached to any building shall project above the highest part of the wall to which it is attached.
 3. No sign shall be located on the roof of any building, however a sign may be located on the roof of a commercial porch providing it does not exceed the ridgeline height of the main roof of the building to which it is attached.
 4. There shall be not more than one free-standing sign or other sign affixed to the ground on the premises, except as otherwise provided in Section 9.14.
 5. No sign shall be erected as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress to or egress from any building; nor shall any sign be erected so as to interfere with any foot traffic or create a hazard to the safety, health or well-being of the public as determined by the Zoning Inspector.
 6. Signs shall be so erected as not to obstruct traffic sight lines or traffic control lights at street intersections or signals at railroad grade crossings.

7. Signs visible from a street shall not resemble highway directional signals.
8. No awning or canopy shall be allowed to extend closer than one foot from the outside edge of the street curb.
9. All signs, awnings and canopies shall be constructed and erected so that the lowest portion thereof is not less than eight feet above the level of the sidewalk.
10. The erector of every permanent sign shall place thereon an imprint or metal tag showing the name of the erector, re-erector or hanger, so that the same can be readily identified.
11. No commercial business or industry shall have more than two signs on any side of the building in which the business or industry is located. The total number of signs allowed, including signs attached to the building and free-standing signs, shall not exceed four (4) for any one business or industry. However, signs indicating exit and/or entrance to a business or industry shall be excluded from the computations as to the total number of signs allowed for any one business or industry.

B. The measurement of signs shall be regulated as follows:

1. With regards to any existing or proposed sign, the Zoning Inspector shall be authorized to determine each of the following:
 - a. The type of sign (including type of Temporary Sign) within the definitions contained in the within Article; or
 - b. Whether a Sign Structure has a communicative element to it (and is therefore part of the Message Area); or
 - c. The Height, Width, or other measurable characteristics of a Sign or component thereof; and
 - d. Whether a sign is Abandoned or Deteriorated as defined herein.
2. For signs with Internal Illumination, the entire lighted surface shall be considered the Message Area.
3. For spherical Sign Structures or any portion thereof, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical Sign Structures or any portion thereof, the area of all display faces (all faces that are not parallel to the ground) shall be included in determining the area of the sign. The Zoning Inspector shall have

discretion to use a similar method of calculation for Sign Structures that are not flat, but have non-cubical or non-spherical shapes.

4. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.

Section 9.09 Construction

- A. All signs, awnings and canopies shall be constructed in conformity with any applicable Village Building Code and other applicable requirements of the Ordinances of Leetonia, Ohio.

Section 9.10 Illumination

- A. Except as otherwise provided in Section 9.05:
 1. Signs for which lighting or illumination is not prohibited may be illuminated with indirect lighting, neon or other gaseous-type tubes, incandescent lamps or luminous bulbs. The source of light shall not be visible from the street and shall be shaded to prevent the light from beaming onto adjacent properties or other rights-of-way. No flashing or revolving illumination shall be employed.
 2. Any business sign illuminated with electric lights, including neon or other gaseous-type tubes or incandescent lamps, erected within 100 feet of an intersection where an illuminated device has been provided for the control of traffic, shall not duplicate in the electric light of such sign any colors appearing in the traffic control signal.

Section 9.11 Maintenance; Removal

- A. The Zoning Inspector may order any Deteriorated sign to be painted or refurbished forthwith. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition. The Zoning Inspector may order any such sign that is not so maintained to be removed pursuant to the provisions of Section 9.17.

Section 9.12 Nonconforming Signs

- A. Any sign existing at the time of enactment of this Article shall be allowed to remain in its present form provided it is continuously maintained. If a change of ownership takes place, such signs may be relettered. However, physical changes in such signs, such as in the size and material of such signs, are not

permitted. Where physical changes are desired, the form of such signs must be made to conform to this Zoning Code.

- B. Any sign now or hereafter existing which no longer advertises a bona fide business conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within ten (10) days after written notification thereof from the Zoning Inspector. Upon failure to comply with such notice within the time specified in the order, the Zoning Inspector is hereby authorized to cause the removal of such sign and any expenses incurred thereto shall be paid by the owner of the property on which such sign is located.
- C. If the Zoning Inspector finds that any sign or other advertising structure regulated under this Article is unsafe or insecure, or is a menace to the public, or has been constructed or erected in violation of any of the provisions of this Article, notice shall be given in writing by the Zoning Inspector to the owner thereof pursuant to Section 9.17 herein. If the owner fails to remove or alter the structure so as to comply with the standards set forth in this Article within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply with this Article at the expense of the owner of the property upon which it is located. The Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

Section 9.13 Fees

- A. Permanent sign fees as per fee schedule set forth in Section 15.04.

Section 9.14 Planned Unit Development Plazas, Malls and Shopping Centers

- A. In addition to the building mounted signs permitted pursuant to Section 9.5, the following signs are authorized for an individual business located in the development;
 - 1. Permanent free standing signs, not to exceed three, near each arterial street on which a planned unit development plaza, mall or shopping center property has frontage are permitted, provided they are located within 25 feet of an approved entrance, and no closer than ten feet to an arterial street right-of-way line, nor obstruct traffic visibility.
 - 2. Such signs located at the entrances shall have as the first words at the top the words "entrance" or "entrance to" which shall not be included in the calculation of permitted space.

3. Such signs shall show the name of the development immediately under the words “entrance” or “entrance to”.
4. The permitted sign face area for the name of the development may be one-half of the total front footage of the lot up to a 150 feet frontage (75 square feet maximum).
5. Such signs may provide space for the names of individual business located in the development, subject to the following:
 - a. The total space for individual business names shall not exceed 10% of the total space these businesses would otherwise be entitled to on individual free standing signs.
 - b. If individual business names are included on these signs, no other free standing sign is permitted on the property.
 - c. If individual business names are included, no other information shall appear on these signs.
6. Permissible space calculations shall apply only to one face of a double-faced sign, provided that both faces are identical.
7. Individual business names may be separately illuminated and may be sectionalized to permit removal and replacement of names, provided that the construction is such that the entire sign appears to be one unit.
8. Such signs shall conform to all regulations not conflicting with this section.

Section 9.15 Variance Process

- A. Standards for approval of a sign variance: The following factors shall be found by the Board of Zoning Appeals of the Village of Leetonia in determining practical difficulty or hardship:
 1. That the variance will not impair any of the regulatory purposes provided within this Article;
 2. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions;

3. That the variance is the minimum necessary to resolve the practical difficulties prompting the variance request;
 4. That the essential character of the neighborhood would not be substantially altered;
 5. That adjoining properties will not suffer substantial detriment as a result of the variance;
 6. That the variance would not adversely affect the delivery of governmental services such as public safety services response, or water, sewer, or trash pickup; and
 7. That the special conditions or circumstances on the property were not caused by the current owner who is requesting the variance.
- B. Variances shall not be granted where the special conditions and circumstances are the result of actions by the current owner of the property.
- C. Variance process: Authority to consider variance(s) from the terms of this Article is granted to the Board of Zoning Appeals.
1. Pre-application meeting: The potential applicant may schedule a pre-application meeting with the Zoning Inspector. The purpose of this meeting shall be to review the applicant's sign plan and to explore options for the sign to conform to this Article, without a sign variance. The Zoning Inspector may provide a written summary of the pre-application meeting and recommendations to the potential applicant. A potential applicant who does not schedule a pre-submittal meeting, or who does not follow said recommendations from such meeting, shall not be barred from applying for a sign variance.
 2. Submittal requirements: An application for a sign variance shall be filed on a form provided by the Zoning Inspector and shall be accompanied by the following requirements:
 - a. Name, address, and phone number of applicant(s) and property owner;
 - b. Proof of ownership, legal interest or written authority;
 - c. Legal Description of property or portion thereof;
 - d. Description of variance requested:

- e. Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (A) of this section;
 - f. Elevations and other drawings at a reasonable scale to convey the need for the variance;
 - g. Payment of the application fee; and
 - h. Any other documents deemed necessary by the Zoning Inspector.
3. Preliminary review by Zoning Inspector: Upon receipt of an application, the Zoning Inspector shall, within five (5) working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Zoning Inspector shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. When the application is complete, it shall be placed upon the Board of Zoning Appeals' agenda.
 4. Notice to property owners: The applicant shall provide a list of the owners within two hundred (200) feet of the property for which the variance is requested to the Zoning Inspector. Written notice of the public hearing shall be provided to all owners of property within two hundred (200) feet of the subject site, as measured from the boundaries of the Lot on which the proposed sign would be erected. Such notice shall be sent, by the applicant by certified mail, to the owners at least seven (7) days before the date of the hearing.
 5. Sign variance public hearing and notice: Within five (5) working days of determining that an application contains all the necessary and required information the application shall be placed upon the Board of Zoning Appeals' agenda for its next public meeting occurring not less than ten (10) days after receipt of the completed application. The Board of Zoning Appeals shall consider the sign variance application at a public hearing.
 6. Board of Zoning Appeals hearing and recommendation: The Board of Zoning Appeals shall review the application and recommend that the variance be granted as requested; be granted as modified by the Board of Zoning Appeals; or be denied. The Board of Zoning Appeals shall indicate the specific reason(s) for its recommendation, including specific findings for each standard listed in Subsection (A) of this Section.
 7. Temporary Sign while review pending: The applicant may erect a Temporary Sign while the sign variance application is pending before the Board of Zoning Appeals. The Temporary Sign must conform to all other provisions of this title.

8. No Modification: There shall be no modification of variances except by further consideration of the Board of Zoning Appeals.
9. Expiration of the variance: If for any reason construction of a sign has not commenced, the variance shall expire six (6) months from the date on which it was granted. Extension of variances, without modification, may be applied for prior to the date of expiration. Extensions, up to an additional six (6) months, may be granted by the Board of Zoning Appeals if it finds that the requested extension is consistent with the purpose, policies, and intent of this Article. Requests for renewal of expired variances shall be considered to be new variance applications.

Section 9.16 Rule Making and Permitting Process

A. Rules and Regulations.

1. The Zoning Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper administration and enforcement of the provisions of the sign regulations, provided that such rules and regulations shall not be in conflict with the provisions, or intent of Article 9. The Zoning Inspector shall file a certified copy of all rules and regulations which he/she may adopt with the Clerk of Council. Such rules and regulations shall have the same force and effect as the provisions of the sign regulations.
2. A copy of all rules and regulations adopted as provided herein shall be maintained by the Zoning Inspector at his/her main office, and any person having business therewith shall have access to the copy of all rules and regulations.

B. Application for Permanent Sign(s).

1. A permanent sign application shall contain such information as the Zoning Inspector deems reasonably necessary for a determination of compliance, or noncompliance with the sign regulations, and to assist enforcement thereafter. The applicant shall sign the Application and each copy thereof, attesting to the truth and exactness of the information supplied.

C. Application Procedure for Permanent Sign(s), Appeal.

1. Applications shall be filed in such form and in such manner as the regulations require.

2. Any applicant may appeal the failure of the Zoning Inspector to grant a Sign Permit, or to recommend it to be granted upon terms and conditions acceptable to the applicant, to the Board of Zoning Appeals. In order to perfect such appeal, the applicant shall file, within ten (10) days of the Zoning Inspector's determination, or recommendation, or within sixty (60) days of the filing of the Application, if the Zoning Inspector has taken no action, an appeal to the Board of Zoning Appeals. The Board of Zoning Appeals shall then review the matter after affording the applicant an opportunity to be heard either in person, or in writing, and render a final determination within thirty (30) days of the filing of the appeal, unless such period is waived by the applicant, or extended by the Board of Zoning Appeals. Except to the extent otherwise appealable by law, the Board of Zoning Appeals' decision shall be final.

Section 9.17 Notice and Removal of Signs/Penalties

- A. Signs placed or maintained on private property in violation of this Article are prohibited. The Zoning Inspector is responsible for enforcing the provisions of this Article. In addition to criminal penalties provided herein, the Zoning Inspector may pursue civil and administrative remedies, including but not limited to injunctive action in a court of competent jurisdiction.
- B. When a sign has been placed or maintained on private property in violation of this Article, the Zoning Inspector shall order that the prohibited sign be removed or brought into compliance with this Article by sending a notice of violation to the owner of the property. A period of not more than ten (10) calendar days from service of the notice of violation shall be permitted to remove or bring the sign into compliance. The notice of violation shall be considered served upon placement in regular U.S. mail or posting on the front entry door of the property.
- C. The property owner may appeal the notice of violation to the Board of Zoning Appeals by filing a written notice of appeal with the Zoning Inspector stating the grounds for the appeal. The notice of appeal must be filed therewith before the expiration of the ten (10) calendar day period allowed for the property owner to remove or bring the sign into compliance. The Board of Zoning Appeals shall hear the appeal at its next regular meeting occurring not less than ten (10) calendar days from the date of receipt of the notice of appeal. The Board of Zoning Appeals shall either enter its findings and decision on the appeal during the hearing, or may take the matter under advisement and issue a decision not more than ten (10) calendar days following the hearing.
- D. The decision of the Zoning Inspector to file a criminal or civil complaint with a court of competent jurisdiction shall not be subject to this administrative appeal process.

- E. Upon failure of the owner or agent of the owner to remove or bring the sign into compliance as directed in the notice of violation, any duly authorized employee of the Village shall be authorized to enter the property in violation and remove the sign to abate the violation. The costs of abatement shall be charged to the property owner. Unpaid costs shall be collected pursuant to the Village's authority to collect debts owed to the Village and the assessment thereof against the property.

- F. Penalty. Any person, firm, corporation, partnership, or association violating any provision of this Article or failing to obey any lawful order or failing to obey any lawful order issued pursuant to its terms shall be guilty of a minor misdemeanor and shall be fined not more than One Hundred Fifty Dollars (\$150.00) for each such offense. Each day during which such violation continues shall be deemed a separate offense.

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ARTICLE 10 - FENCES

Section 10.01 General Welfare - Applies To All Fences In All Districts

- A. 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.
- 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.
- C. Setback: No fence shall be permitted, erected or in any way maintained within two (2) feet of the property line.

Section 10.02 Zoning Districts

- A. Fences in a Residential (RS and RD), Large Scale Developments, or Business Districts shall conform to the following rules and regulations:
 - 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.
 - 2. **Rear Yard and Portions of Side Yards Not Abutting a Street**
 - a. 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.

3. Permits

- a. 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.

Section 10.03 Application for Permits (Applies to all Districts)

- A. 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.

Section 10.04 Prohibitions

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

Section 10.05 Finished Side Facing Out

- A. 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, except where applicable for agricultural activities.

Section 10.06 Permit Fees

- A. An application for a fence permit shall be accompanied by an application fee as set forth in Section 15.04.

Section 10.07 Compliance

- A. 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 10.08 Public Grounds

- A. 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 10.09 Penalty

- A. 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, Board of Zoning Appeals, or Planning Commission issued pursuant to this Zoning Code.
- B. 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 Article or who fails or refuses to obey a lawful order of the Zoning Inspector, Board of Zoning Appeals, or Planning Commission issued pursuant to this Zoning Code, shall be deemed guilty of a minor misdemeanor and shall be fined not more than One Hundred Fifty Dollars (\$150.00) for each such offense. A separate offense shall be deemed to have been committed each day during which a violation continues.

ARTICLE 11 - SWIMMING POOLS

Section 11.01 Definitions as used in this section

- A. "Swimming Pool" shall be a man-made structure constructed of material other than natural earth or soil, not located within a completely enclosed building, designed or used to hold water for the purpose of providing swimming or bathing therein to a depth of three (3) feet or more.
- 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 11.02 Zoning Permit and Approval

- A. 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 11.03 Fees

- A. The fee for the zoning permit to construct, alter, add to or relocate a swimming pool shall be Twenty Dollars (\$20.00). Such fee shall be in addition to building permit fees and fees applicable to other structures which may be incidental to the pool.

Section 11.04 Polluted Water

- A. No swimming pool within the Village shall contain sewage, waste or other contaminating or polluting ingredients which renders the water hazardous to health. Any swimming pool which fails to meet the requirements of this Section, shall not be used for swimming or bathing purposes by any person. Such conditions shall be remedied to the satisfaction of the Columbiana County Health Board.

Section 11.05 Shielding Lights

- A. 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 11.06 Enclosure of Swimming Pools

- A. 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 11.07 Location of Pools

- A. All pools shall be located in a side or rear yard.

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ARTICLE 12 – PLANNING COMMISSION.

Section 12.01 Organization

- A. There is hereby established a Planning Commission which shall consist of the Mayor, one (1) member of Council to be elected thereby for the remainder of his term as such member of the legislative authority, and three (3) citizen of the Village to be appointed by the Mayor for a term of six (6) years each, except that term of one of the members of the first commission shall be for four (4) years and one for two (2) years. All members shall serve without compensation. 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 and 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.

Section 12.02 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 meetings 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. Three (3) members of the Commission shall constitute a quorum. The commission shall act by motion and the concurring vote of at least three (3) 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 reasonably 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 12.03 Conditional Use Permit

- A. 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.
 - 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 can further 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. The filing fee for a Conditional Use Permit is set forth in Section 15.04.
 - 2. Conditional uses shall not be expanded or modified unless a new permit is issued after following the aforesaid procedure.

Section 12.04 Standards for Evaluation of Conditional Use Permits

- A. An application for a conditional use permit shall not be approved unless the Commission finds that it complies with the following conditions and standards:
1. To be approved in a residential district it shall be found that:
 - a. The proposed use would be properly located in relation to an 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.
 2. To be approved in a Business, Manufacturing, 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, manufacturing, 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 be 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 12.05 Approval of Conditional Use Permits

- A. 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 Conditional 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.

- B. 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 herein.

Section 12.06 Revocation of Conditional Use Permit

- A. 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 12.07 Platting Commission

- A. 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.

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ARTICLE 13 - BOARD OF ZONING APPEALS

Section 13.01 Establishment

- A. 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, except that term of one member of the first commission shall be for four (4) years and one for two (2) years. All members shall serve without compensation. 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.

Members of the Planning Commission may also serve on the Board of Appeals.

Section 13.02 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 13.03 Powers of the Board of Zoning Appeals

- A. 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.
- B. Administrative Review and Variances.
 - 1. 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.
 - 2. Variances: The Board shall have the power to authorize, upon appeal in use cases, 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.
 - 3. 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 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.

4. No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds:
 - a. 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;
 - b. 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,
 - c. 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:
5. 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 reasonably practicable the formulation of a general regulation for such conditions or situations.
6. 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.

C. Performance Requirements Procedure

1. 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 bidirectional 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 13.04 Applications and Appeals

- A. 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. The fee for such filing shall be in accordance with the fee schedule as set forth in Section 15.04.
- B. 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 was appealed.
- C. 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 harm, in which event such a stay 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.
- D. 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 13.05 Hearings

- A. 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 ten (10) days prior to the hearing and by certified mail, return receipt requested at least ten (10) days prior to the hearing, on all adjoining property owners and shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by an attorney.
- B. The hearings of the Board shall be public.

- C. 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 13.06 Decisions

- A. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.
- B. A 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.
- C. 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 13.07 Appeals from Board of Zoning Appeals to Council

- A. 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.
- B. 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 (A). Council, by an affirmative vote of a majority of its members, shall decide the matter within fifteen (15) days after the final hearing thereon.
- C. 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

A. Duties:

1. 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.
2. The Zoning Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building site will be reasonably 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:
 - a. Be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. Use construction materials and utility equipment that are resistant to flood damage.
 - c. Use construction methods and practices that will minimize floor damage.
3. The Zoning Inspector shall review subdivision proposals and other proposed new development to assure that:
 - a. All proposals are consistent with the need to minimize flood damage.
 - b. All public utilities, such as sewer, gas, electrical, and water systems are located, elevated and, constructed to minimize or eliminate flood damage.
 - c. 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.

B. Accordance

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

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ARTICLE 15 - ZONING CERTIFICATES AND FEES

Section 15.01 Zoning Certificates

- A. 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.

- B. 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 15.02 Conditions under which Zoning Certificates are required

- A. A Zoning certificate shall be required for any of the following, except as otherwise herein provided:
 - 1. Construction or structural alteration of any building, including accessory buildings;
 - 2. Change in use of an existing building or accessory building to a use of a different classification;
 - 3. Occupancy and use of vacant land;
 - 4. Change in the use of land to a use of a different classification; and,
 - 5. Any change in the use of a non-conforming use.

Section 15.03 Application and Issuance of Zoning Certificates

- A. 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.

- B. 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.
- C. 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 15.04 Fees for Zoning Certificates

- A. 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: (homes and garages) 1,000 square feet or less	\$100.00
Each additional square foot shall be	\$ 0.05
Accessory Buildings and Pre Fab Storage Buildings, (up to 200 square feet) Plus one half percent of total cost.	\$ 25.00 +(0.005 x total cost)
Addition or alteration to existing building	\$ 50.00
Commercial or Industrial construction	\$250.00 or \$ 0.05 per square foot (whichever is greater)
Decks and Porches	\$ 25.00
Fence Permit	\$ 25.00
Pool Permit	\$ 25.00
Zoning Code	\$ 25.00
Zoning Map	\$ 25.00
Conditional Use Permit	\$100.00 + \$10.00 for each notified
Rezoning Application	\$100.00 + \$10.00 for each notified
Transmission Tower Application	\$ 50.00
Board of Zoning Appeal	\$100.00 + \$10.00 for each notified
Signs of less than twenty (20) square feet	\$ 30.00
Signs of greater than twenty (20) square feet	\$ 60.00

Other: The fee for Zoning Certificates and/or Permits not covered under the above fee schedule shall be Twenty Five Dollars (\$25.00) for any building, if the total cost or value is less than Five Hundred Dollars (\$500.00), and Twenty Five Dollars (\$25.00) 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 Dollars (\$500.00).

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

- B. 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 15.05 Zoning Certificates for Nonconforming Uses

- A. 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 15.06 Violations and Penalties

- A. 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 minor misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Fifty Dollars (\$150.00). Each and every day during maintenance or uses continues may be deemed a separate offense.

Section 15.07 Violations and Remedies

- A. 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 or 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

Section 16.01 Change

- A. 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 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 16.02 Initiation of Amendments

- A. A proposed amendment of the Zoning Text or Map may be initiated by the Planning Commission or Council. If initiated by Council it shall be referred to the Planning Commission. A change in the District Classification or Map 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 property owners within and contiguous to and directly across the street from such parcel or parcels of the area proposed to be changed, as shown upon the records of Columbiana County.

Section 16.03 Action by the Planning Commission

- A. 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:
1. Publication at least once 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.

2. 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 ten (10) days prior to the date of such hearing, to all property owners within and contiguous to and directly across the street from such parcel or parcels of the area proposed to be changed, as shown upon the record of Columbiana County.
3. 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 16.04 Action by Council

- A. 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.
- B. 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 property owners as described in Section 16.2. The failure of delivery of such notice shall not invalidate any such amendment.
- C. 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) day 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.
- D. 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 16.05 Application Fees

- A. 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 a sum in accordance with the fee schedule set forth in Section 15.04.

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ARTICLE 17 - ADULT ENTERTAINMENT & SEXUALLY BASED BUSINESS

Section 17.01 Regulation of Sexually Oriented Business

A. Purpose and Intent.

1. Studies in other jurisdictions have shown that Sexually Oriented Businesses have a blighting effect on surrounding land uses including a reduction of property values and an increase in crime. It is the purpose and intent of this Ordinance to regulate the location of sexually oriented businesses in order to protect the property values, residents, locally oriented business, churches, parks, libraries, and schools of the Village of Leetonia from the adverse effect(s) of sexually oriented businesses. Furthermore, by regulating sexually oriented businesses, this Ordinance will protect and promote the public health, morals, safety and welfare of the Village from the potentially detrimental impact of such businesses. This Ordinance is not designed to limit and/or restrict any communicative materials, including sexually oriented materials, and/or the rights protected under the First Amendment. Furthermore, it is not the intent of this Ordinance to restrict and/or deny those adults who desire to patronize such establishments or restrict and/or deny the marketing of sexually oriented materials by distributors, and exhibitors.

Section 17.02 Definitions

- A. As used in this Ordinance, “adult arcade,” adult bookstore,” “adult novelty store,” “adult video store,” adult entertainment establishment,” “adult motion picture theater,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “nudity,” “nude,” “state of nudity,” “regular features,” “regularly shown,” “seminude,” “state of semi-nudity,” “sexual encounter establishment,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in section 2907.39 and section 2907.40 of the Revised Code.

1. **“ADULT BOOKSTORE” or “ADULT VIDEO STORE”** means a commercial establishment that has a significant or substantial portion of its stock or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

2. **“ADULT ARCADE”** means any place to which the public is permitted or invited where either or both (1) motion picture machines, projectors, video or laser disc players, or (2) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and or live entertainment presented are characterized by the depiction or description of “sexual activities” or “specified anatomical areas.”
3. **“ADULT CABARET”** means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, that regularly features individuals who appear in a state of nudity or semi-nudity.
4. **“ADULT MOTION PICTURE THEATER”** means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.
5. **“ADULT THEATER”** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
6. **“COVERING”** means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
7. **“ESTABLISHMENT”** means and includes any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any Sexually Oriented Business;
 - c. The additions of any sexually oriented business to any other existing sexually oriented business;
 - d. The relocation of any sexually oriented business.

8. **“NUDE MODEL STUDIO”** means any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude Model Studio shall not include:
 - a. A proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation.
 - b. A private college or university that offers educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
 - c. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any time.
9. **“NUDITY,”** “nude,” or “state of nudity” has the same meaning as in section 2907.39 of the Ohio Revised Code.
10. **“PATRON”** means any individual on the premises of a sexually oriented business except an operator or an employee of the sexually oriented business; an individual who is on the premises exclusively for repair or maintenance of the premises or the delivery of goods to the premises; a public employee or a volunteer firefighter or emergency medical service worker acting within the scope of the public employee’s or volunteer’s duties as a public employee or volunteer.
11. **“PERSON”** means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
12. **“PREMISES”** means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.
13. **“PRINCIPAL BUSINESS PURPOSE”** means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of

merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is the greater.

14. **“SEMINUDE” or “STATE OF SEMINUDITY”** has the same meaning as in section 2907.39 of the Ohio Revised Code.
15. **“SEXUAL DEVICE”** means any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breast or for sadomasochistic use or abuse of oneself or others, including but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
16. **“SEXUAL DEVICE SHOP”** means a commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.
17. **“SEXUAL ENCOUNTER CENTER”** means a business enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or seminude.
18. **“SEXUALLY ORIENTED BUSINESS”** means an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.
19. **“SPECIFIED ANATOMICAL AREAS”** includes human genitals, pubic region, and buttocks and the human female breast below a point immediately above the top of the areola.
20. **“SPECIFIED SEXUAL ACTIVITY”** means sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.
21. **“SUBSTANTIAL ENLARGEMENT”** of a Sexually Oriented Business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes place.

Section 17.03 Zoning Classification

- A. A sexually oriented business, adult arcade, adult novelty store, adult theatre, or nude model studios may be located only in a district zoned Manufacturing and Heavy Industrial (M-2).

Section 17.04 Location & Restrictions of Sexually Oriented Business

- A. No sexually oriented business may be established within 1000 feet of:
1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 2. A public or private education facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, secondary schools, continuation schools, special education schools, junior colleges, and continuation schools, special education schools, junior colleges, and universities; schools includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally a school;
 3. A boundary of a residential district;
 4. A public park or recreation area which has been designated for park or recreation activities including but not limited to a park, playground, nature trails, swimming pools, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Village which is under the control, operation, or management of either the Village or which is operated by another public entity; or
 5. An entertainment business that is oriented primarily towards children or family entertainment.
 6. No sexually oriented business may be established within 1000 feet of the property line of a lot devoted to a residential use.
 7. No sexually oriented business may be established within 500 feet of another sexually oriented business.
 8. Not more than one sexually oriented business shall be established or operated in the same business, structure, or portion thereof, and the floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business may not be increased.

9. For the purpose of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is operated, to the nearest property line of the premises of a use listed above.
10. Regulations concerning lot, yard, height, parking, building and site design standards and parking are as follows:
 - a. Lot, yard area, height, buffering, drainage and building standards and/or requirements for a sexually oriented business are those specified for a District zoned Manufacturing and Heavy Industrial (M-2).
 - b. Parking requirements for a sexually oriented business are those specified for nightclubs, cafes, or similar recreation or amusement establishments as set forth in Article VI of the Zoning Code.

Section 17.05 Sign Regulations

- A. Regulations concerning signage are set forth in Article 9 of the Zoning Code and as specified in the following:
 1. All signs shall be in accordance with regulations set forth in Article 9 for a district zoned Manufacturing and Heavy Industrial (M-2).
 2. Review and approval procedures for a sign permit for a sexually oriented business shall be in accordance with Article 9 of the Zoning Code.
 3. No merchandise or picture of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or any street or road.

Section 17.06 Violations and Penalties

- A. 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 minor misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Fifty Dollars (\$150.00). Each and every day during maintenance or uses continues may be deemed a separate offense.

Section 17.07 Violations and Remedies

- A. 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.

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Article 18 - ZONING DISTRICT MAP

- A. 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 19 - INTERPRETATION, PURPOSE AND CONFLICT

- A. 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 20 - SEPARABILITY

- A. 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 21 - REPEAL OF ORDINANCE NO. 2009-2227, AS IT PERTAINS TO ZONING CODE AND/OR ORDINANCE

- A. Ordinance No. 2009-2227, as amended, be and hereby is repealed as to all sections and/or articles addressing zoning effective upon the date this new Zoning Ordinance takes effect.

Article 22 - OPEN MEETING

- A. 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 of the Ohio Revised Code.

Article 23 - PENALTIES

- A. Unless otherwise specifically stated herein, any person, firm, corporation, partnership, limited liability company, association, or his/her agents, including owners and occupants of businesses and buildings who violate any regulation or provision of the within Ordinance or any amendment or supplement thereto, shall be deemed guilty of a minor misdemeanor and upon conviction thereof, shall be fined not more than One Hundred Fifty Dollars (\$150). A separate offense shall be deemed to have been committed each day during which a violation continues.