

Zoning Board of Appeals
REGULAR MEETING AGENDA
May 15, 2018

5:30 P.M.

PLEDGE OF ALLEGIANCE

Roll Call: Mr. Arcaro ____ Mr. McKenna ____ Mr. Naylor ____ Mrs. Gates ____
Mrs. Sherman ____

Approval of April 17, 2018 Meeting Minutes:

Motion to Approve: _____
Second Motion _____

Roll Call: Mr. Arcaro ____ Mrs. Sherman ____ Mrs. Gates ____
Mr. Naylor ____ Mr. McKenna ____

Old Business: None

New Business:

Case #05-2018 – Steven & Rachel Heller of 1466 SW Taylors Ferry Rd., Portland, Oregon are applying for a Condition Use Permit to open a Hunting/Fishing Lodge located at 1447 Lake Rd., Conneaut, OH – Parcel ID # 12-325-00-053-00.

1137.07 PROCEDURE FOR CONDITIONAL USES.

The Board may hear and decide upon, in accordance with the provisions of this Zoning Ordinance, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration in the City of uses which may only be suitable in specific locations within certain district(s) or only such uses as are designed or laid out in a particular manner on the site. A Conditional Use Permit shall be required for all uses listed as Conditionally Permitted Uses.

(a) Public Hearing. A public hearing may be ordered by the Board and notice thereof shall be given by the Secretary of the Board not less than thirty (30) days prior to the date

of the public hearing by publishing notice in a newspaper of general circulation in the City of Conneaut, Ohio. Notice shall be given by the Clerk of the board within twenty (20) days to the parties having proprietary interest in the land located within two hundred (200) feet of the property in question. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing in no way shall effect the validity of the action taken.

(b) Conforming Use. Any existing lawful use which is considered as a Conditionally Permitted Use by this Zoning Ordinance, which is located in a district in which such use is conditionally permitted, shall be considered as a conforming use. Any expansion of such a Conditionally Permitted Use involving the enlargement of buildings, structures, and/or land areas devoted to such conditional use, shall be subject to the procedures outlined in this section.

(c) Permit Expiration. In any case where an approved Conditional Use Permit has not been used, within twelve (12) months of the date it was granted, the permit shall expire unless an extension of the above time period has been authorized by the Board.

(d) Contents of Application for Conditional Use Permit. An application for a Conditional Use Permit shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, and phone number of applicant.
- (2) Legal description of property.
- (3) Description of existing use.
- (4) Zoning district in which use is located.
- (5) Description of proposed conditional use.
- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Zoning Ordinance.

(e) General Standards Applicable to All Conditional Uses. The Board shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- (1) In considering an application for a Conditional Use Permit, the Board must make an affirmative finding that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of conditional uses have been met.
- (2) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- (3) It will not be hazardous or disturbing to existing or future neighboring uses.
- (4) It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(5) It will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(6) It will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(7) It will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

(8) It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(Ord. 60-93. Passed 7-11-94.)

(f) Specific Criteria for Conditional Uses.

(1) Loud speakers which cause a hazard or annoyance shall not be permitted.

(2) There shall be no more than one (1) sign oriented to each abutting street identifying the activity.

(3) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.

(4) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

(5) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(6) All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

(7) The area of use shall be appropriately landscaped to be harmonious with surrounding properties.

(8) Conditionally permitted industrial, warehouses, and wholesale uses shall have primary access to arterial or collector streets. The refuse collection areas provided by all uses in this zone to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least six (6) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector.

(9) Conditionally permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas.

(10) Nonresidential buildings or uses (including parking, loading or maneuvering areas, shall not be located nor conducted closer than sixty (60) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all

advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than thirty (30) feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility. Truck parking area, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.

(11) No land or building conditionally permitted in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Zoning Ordinance if one or more of the following conditions is found to exist at any time:

- A. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved as determined by the Fire Chief.
- C. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
- D. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
- E. Objectionable noise off-site as determined by the Zoning Inspector due to volume, frequency or beat is present;
- F. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
- G. Direct or reflected glare is present which is visible from any street or from any property not within a B or M district;
- H. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
- I. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency.
- J. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor.
- K. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communication Commission's regulations.

L. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA, City ordinances and the City of Conneaut Health Department's regulations.

(12) No on-premise sign shall exceed 25 feet in height. No off-premise sign shall exceed 35 feet in height.

A. Exterior spot lighting is permissible, but only if shielded so as to direct the light to the sign only.

B. Signs requiring a permit:

1. One freestanding sign per zone lot regardless of how many businesses are conducted on said zone lot, identifying the building occupation, establishment or use not exceeding 32 square feet in area;

2. One wall sign for each business not to exceed 32 square feet in area.

(13) Conditionally permitted uses in any district, every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

(14) All off-street loading spaces shall be in accordance with the following standards and specifications:

A. Loading Space Dimensions. Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.

B. Setbacks. Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of this district provided that not more than 90 % of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than 5 feet from any street, alley or lot line.

C. Screening. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of this Zoning Ordinance and the Zoning Board of Appeals.

D. Access. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

E. Paving. All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.

F. Drainage. All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

G. Lighting. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

(15) Conditionally permitted manufacturing uses/parking requirements.

A. All types of manufacturing, storage, and wholesale uses permitted in any B-1 district shall provide one parking space for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.

B. Cartage, express, parcel delivery, and freight terminals -- One and one half for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

(g) (1) The following uses are industrial, warehousing and wholesaling uses that may be conditionally permitted by the Zoning Board of Appeals in the B-1 Highway Service Business District. Industries not listed are not allowed. Industries not otherwise listed but which are substantially similar to listed industries and because of their similarity can comply with the district's design controls may be allowed at the discretion of the Zoning Board of Appeals after applying the following standards:

A. The compatibility of the proposed use with the general use classification;

B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified as permitted or conditionally permitted in the district;

C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with allowable uses in the district.

(2) Industrial Conditionally Permitted Uses: All of the following conditionally permitted uses shall meet all of the general and specific conditions listed above.

A. Accessory uses and structures incident to a permitted use which will not create a nuisance or hazard;

B. Agencies or offices rendering specialized services in the professions, real estate and brokerage, including service agencies not involving on-premise retail trade nor wholesale trade in premises, nor maintenance of stock of goods for sale to the general public;

C. Appliance distributors for wholesale.

D. Assembly of machines and appliances from previously prepared parts;

E. Automobile commercial parking enterprises;

F. Automobile and truck assembly;

G. Bakeries or baking plants;

H. Blueprinting and photostating establishments;

I. Bookbindery;

J. Bottling works for soft drinks;

K. Cold storage plants, food;

L. Dairy products processing, bottling and distribution, cream manufacture, all on a wholesale basis;

M. Distribution facilities for wholesale basis;

N. Electronic units assembly plant;

O. Farm machinery assembly;

P. Food processing in wholesale quantities except meat, fish, poultry, vinegar and yeast;

Q. Frozen food lockers;

- R. Government buildings: used exclusively by the Federal, State, County, or Township government for public purposes except for buildings used or intended to be used as correctional or penal institutions;
- S. Laboratories for research and testing;
- T. Machine shops;
- U. Manufacturing and storage of: abrasives, bedding, carpet and pillow (cleaning and renovating), candy products, canvas and burlap products, clothing, construction materials, cosmetics and perfume, footwear, glass, hosiery, ice, jewelry, watch, clocks, leather goods (tanning prohibited), machine tools, machinery, motor vehicles and equipment, optical, scientific and musical instruments, pharmaceutical products, plastics, pottery, porcelain and vitreous China, signs, stonecutting and monuments, textiles, textile machinery;
- V. Metal fabrication plants using plate and structural shapes;
- W. Metal stamping plants;
- X. Office buildings: government, private and professional offices.
- Y. Prefabricating buildings and structural members.
- Z. Printing, publishing and reproduction establishments;
- AA. Repair and servicing of industrial equipment and machinery except railroad equipment;
- BB. Sheet metal shops.
- CC. Storage warehouses and yards;
- DD. Wholesale and jobbing establishments including incidental retail;
- EE. Woodworking shops, mill work.
(Ord. 38-94. Passed 4-25-94.)

**Transient Lodging
Conditional Use Permit**

**Transient Lodging
Conditional Use Permit**

Motion to Approve _____ Motion to Deny _____

Second Motion _____ Second Motion _____

Ref Ordinance # _____ Ref. Ordinance # _____

Approved with conditions:

Reason for Denial: _____

Roll: Mr. Arcaro ____ Mrs. Gates ____ Mr. Naylor ____ Mr. McKenna ____
Mrs. Gates ____

Audience Comments:

Motion to Adjourn _____

Second Motion _____

Time: