

ORDINANCE NO. 96-21
REVISED 12-10-2021 – CLEAN VERSION

AN ORDINANCE TO AMEND SECTION 1137.07 OF THE CITY OF CONNEAUT CODIFIED ORDINANCES GOVERNING PROCEDURE, GENERAL AND SPECIFIC CRITERIA FOR CONDITIONAL USES, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1137.07 of the City of Conneaut Codified Ordinances is hereby amended to read as follows:

1137.07 PROCEDURE FOR CONDITIONAL USES.

The Board of Zoning Appeals 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 Zoning Inspector at least ten (10) days prior to the hearing to the applicant and to those property owners contiguous to the subject property and those directly across the street. Notices shall be sent to those owners at the mailing address listed on the County Auditor tax list. Failure of any person, other than the applicant, to receive notice of any 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) Revocation. The Inspector shall notify the holder of the conditional use permit by certified mail of his/her intent to revoke the conditional use permit under this section of the permit holder's right to a hearing before the Inspector, within thirty (30) days of the mailing of the notice, if the permit holder so requests. If the holder requests a hearing, the Inspector shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Inspector may revoke the conditional use permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law. The holder may appeal to the Board of Zoning Appeals.

In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

1137.071 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use and shall approve the conditional use if all the following general conditions are met and the specific criteria as appropriate in 1137.072.

- 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.
- 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.
- 10) 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.

1137.072 SPECIFIC CRITERIA FOR CONDITIONAL USES.

- 1) Bed and Breakfasts and Short-Term Rentals.
 - a. No owner shall permit a guest to occupy such accommodations for more than a thirty (30) day consecutive period.
 - b. Electric and internally illuminated signs shall not be allowed in residential districts.
 - c. In business districts, signs shall not exceed an initial lumen output of 2850 lumens (equivalent to a 150-watt incandescent A lamp) (copied from Ravenna)
 - d. There shall be no more than four (4) guest rooms with a maximum number of guests not to exceed two (2) times the number of beds utilized by guests.
 - e. All owners of a Bed and Breakfast or Short-Term Rental shall be current on all transient lodging taxes due the City, as provided in Chapter 193 of the Codified Ordinances of the City of Conneaut.
 - f. The Conneaut City Fire Department shall inspect and approve all Bed and Breakfasts and Short-Term Rentals for compliance with the State Fire Code prior to a conditional use permit being granted. The Conneaut Fire Department shall also conduct annual inspections to insure compliance with the State Fire Code. A conditional use permit issued for a Bed and Breakfast or Short-Term Rental shall not expire unless revoked as provided in section (f) below.
 - g. Upon inspection, the Conneaut Fire Department shall inform the Planning and Zoning Manager of any violations of the State Fire Code or City Property Maintenance Code. The Planning and Zoning Manager shall then notify the owner of the violations and provide a period of ten (10) days to make any required repairs. If the repairs are not made within that time period, the Manager may revoke the conditional use permit in accordance with 1137.07(e). Any owner may appeal the Manager's revocation to the Board of Zoning Appeals, pursuant to Section 1137.05.

- h. All parking spaces for Bed and Breakfasts and Short-Term Rentals shall be located on the premises and shall consist of one (1) parking space for each guest room, in addition to parking spaces required for the dwelling. On-street parking is prohibited, except when located in a non-residential district.

2) Farm Animals

- a. Any person, business, entity or firm owning, harboring or keeping seven (7) or more birds as defined above within a residential district of the City of Conneaut shall provide for a "run" of at least 10 square feet per bird, at least one (1) nest for every three (3) birds and a proper enclosure, hutch or coop for the housing of such birds which shall be approved by the Conneaut Zoning Inspector and shall in no event be less than one (1) square foot in size per bird, and which shall be at least twelve (12) inches off of the ground.
- b. The enclosure described at subsection (d) of this section shall be considered an accessory building as defined at section 1103.01 of this Code and shall comply with all requirements for accessory buildings as set forth therein. Such enclosures shall be located in the rear yard only and shall be located not closer than five (5) feet from all lot lines of adjoining lots which are in any residential district and ten (10) feet from any other structure on the same lot.
- c. All persons, businesses, entities or firms owning, harboring or keeping poultry or fowl within any district of the City of Conneaut shall comply with all provisions of Chapter 1323 of the Codified Ordinances and shall in no event permit such activity from becoming unreasonable or offensive in appearance, smell or sound.
- d. No person, business, entity or firm shall own, harbor or keep large birds such as ostriches, emus or peacocks within any residential or business district of the City of Conneaut.
- e. No person, business, entity or firm shall own, harbor or keep a rooster or other crowing bird capable of creating unreasonable animal noise within any residential or business district of the City of Conneaut.
- f. Farm animals, as defined in Section 1103.01, are to be located on 5 or more acres so as to not cause a public nuisance. Any person, business, entity or firm owning farm animals on property which is less than 5 acres shall require a conditional use permit.

- 3) All off-street loading spaces and parking shall be in accordance with Chapter 1134 of this Code.

SECTION 2. That all other prior ordinances found to be inconsistent with this ordinance are hereby repealed.

SECTION 3. That it is hereby 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 or any of its committees that resulted in such

formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this 9th day of May, 2022.

Jerry G. Mancini
President of Council

ATTEST:

Pamela O'Connell
Clerk of Council

I, *Pamela O'Connell*, Clerk of the Council of the City of Conneaut, Ohio, do hereby certify that the foregoing is a true and accurate copy of *Ord. No. 96-21* passed on the *9th* day of *May*, 20*22* by said Council.

Pamela O'Connell
Clerk of Council *6/13/22*