

ARTICLE IV - DISTRICT REGULATIONS

CHAPTER 410 I Industrial District

SECTION 410.1 PURPOSE

The purpose of the Industrial District is to provide for industrial uses which repair, store, manufacture, process, wholesale and distribute goods, and which may require or could benefit from the utilization of outdoor storage areas.

SECTION 410.2 PERMITTED USES

In a I Industrial District, land and structures may be used or occupied only for a principle use specified, or an accessory use to a permitted principle use as regulated herein.

- a. The categories of principle uses permitted in the I Industrial District are as follows:
 - 1. Manufacturing, processing and distribution;
 - 2. Warehousing;
 - 3. Self-service storage facilities;
 - 4. Recreational facilities;
 - 5. Outdoor storage of items to be used on the premise.
- b. Accessory uses clearly incidental to a permitted or conditional use are permitted in the I Industrial District and may include the following:
 - 1. Private garages and storage facilities;
 - 2. Off-street parking as regulated in Chapter 601;
 - 3. Signs as regulated in Chapter 602.
- c. Conditional uses permitted in the I Industrial District include wireless telecommunication towers and antennae, as defined and regulated in Section 501.3(g) of this Ordinance. (1248-1998)

SECTION 408.3 PRINCIPLE BUILDING REGULATIONS

Principle uses and buildings permitted in the I Industrial District shall be located only on a lot that complies with the following specified area and yard requirements and which comply with the specified height regulations.

- a. Each zoning lot shall maintain the following minimum area and width requirements.
 - 1. The minimum lot area shall be 1 acre.
 - 2. The minimum lot width at the building line shall be 150 feet.
 - 3. The maximum lot coverage shall be 33%.

- b. Each zoning lot shall maintain the following minimum front, side and rear yards.
 - 1. The minimum front yard shall be 50 feet.
 - 2. The minimum side yard shall be 25 feet.
 - 3. On a corner lot, the side yard adjacent to the street shall be 50 feet.
 - 4. The minimum side and rear yard adjacent to any residential district shall be 50 feet.
- c. The maximum building height shall be 35 feet.

SECTION 410.4 REGULATIONS FOR OUTDOOR STORAGE

Goods, supplies and equipment which are used on the premises are permitted to the extent appropriate to a permitted use in compliance with the following regulations.

- a. All such storage areas shall be subject to the principle building yard requirements specified in Subsection 410.3b
- b. When abutting property in a non industrial zoning district such areas must be screened by a vision obscuring fence or wall at least six (6) feet in height or by a natural vegetation strip not less than ten (10) feet wide with hedges or trees at least six (6) feet in height.

SECTION 410.5 ACCESSORY USE REGULATIONS

Accessory uses, buildings, and structures permitted in this district shall conform to the following standards.

- a. Accessory buildings shall be permitted in compliance with the yard requirements for principle buildings and shall not exceed 15 feet in height.
- b. Off-street parking and loading shall be located on the property according to the following standards.
 - 1. The minimum distance from an existing or proposed right-of-way shall be 50 feet.
 - 2. The minimum distance from the side and rear property line shall be 10 feet.
 - 3. The minimum distance from a side or rear property line adjacent to any residential district shall be 40 feet.
- c. Every part of a lot not occupied by accessory structures including off-street parking and loading shall be open to the sky and the ground area shall be landscaped with grass or similar ground cover, and appropriate plant material, and screening shall be installed, as required, pursuant to Section 603.8

SECTION 408.6 SITE PLAN REVIEW

All uses in this district permitted only after review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Section 802.3

ARTICLE V - CONDITIONAL USE REGULATIONS

SECTION 501.1 PURPOSE

Conditional uses are certain types of permitted uses so classified in this Ordinance because of their uncommon or unique characteristics, large land area requirements, or which for other reasons cannot be permitted by right, in specific locations in the districts in which they may be appropriate and compatible, without certain modifications of the district regulations.

Uses which may be considered for conditional approval in specific districts are enumerated throughout the District Regulations.

SECTION 501.2 GENERAL REQUIREMENTS

The particular facts and circumstances of each proposed use shall be reviewed in terms of the following standards; and adequate evidence must be found to demonstrate that such use in the proposed location:

- a. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing and proposed uses in the general vicinity and will not change the essential character of the area;
- b. Will not be hazardous or disturbing to existing or future neighboring uses;
- c. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, schools, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- e. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

SECTION 501.3 SPECIFIC REQUIREMENTS

In addition to the above general requirements, the following specific conditions pertaining to each use or group of uses shall apply:

- a. Churches, Places of Worship, Related School Buildings, Parish Houses, and Necessary Accessory Buildings, when conditionally permitted in a residence district, shall comply with the CF Community Facilities District regulations except that parking areas shall not be permitted in the front yard.
- b. Public and Private Schools, when conditionally permitted in a Residence District, shall comply with the CF Community Facilities District regulations except that parking areas are not permitted in the front yard.

- c. Public Parks, Playgrounds and Conservation Areas, when conditionally permitted in a Residence District, shall comply with the B-R Business Recreational District regulations.

d. Private Garage as a Principle Use

The intent of this Ordinance is to permit private garages as an accessory use to a dwelling unit located on the same lot. However, given the character of the Village of Lakemore, it is recognized that there may be conditions where it is not feasible to require an accessory garage on the same lot as the dwelling unit. Therefore, garages on a separate lot may be conditionally permitted according to the following additional conditions:

1. The proposed garage will serve as a storage space for no more than two vehicles owned or leased by a resident whose dwelling unit is in proximity to the lot on which such garage is to be constructed, as determined by the Planning Commission, and that such lot is suitable for a garage.
2. No more than one private garage shall be located on a lot.
3. A garage as a principle use shall only be constructed when no other structure currently exists on such lot.
4. The lot shall be a lot of record which does not meet the minimum lot requirements necessary for a single family dwelling unit in that particular residence district.
5. The garage shall have utility meters separate from the meters on an adjoining lot or building.
6. The maximum size of the garage shall be 500 square feet.
7. The building setback, building orientation and driveway location shall so be established (and approved by the Planning Commission) to assure compatibility with adjacent properties, but in no case shall the building be placed nearer to the street than the front setback line for principle buildings.

- e. Drive-up and Drive-Through Facilities for Permitted Uses, when conditionally permitted in a B-1 Retail Business District shall only be approved in a suitable location, and shall comply with the B-2 General Business District regulations and the parking regulations of Chapter 601.

f. Camps or Grounds for Private Use

In light of the recreational opportunities provided by Springfield Lake, a variety of uses may be proposed in the B-R Business-Recreational District that would need to be reviewed by the Planning Commission in order to ensure a design which is harmonious and compatible with the surrounding residential areas.

A camp or grounds for a private club, church group, fraternal organization or service group, the chief activity of which is not a business, and where no liquor is sold on the premises, may be established for picnic or recreational purposes in the B-R Business-Recreational District if the total area of such camp or grounds is at least two acres in area. The facilities thereon may include seasonal cottages and structures for recreational purposes.

g. Telecommunication Towers and Antennae (1248-1998)

1. PURPOSE

The purpose of this regulation is to provide for the regulation and to establish guidelines for the site process and construction of wireless telecommunication towers (commonly known as cellular towers) located in the Village of Lakemore, and to ensure the promotion of public health, safety, and welfare of the citizens of Lakemore. The regulations provided herein are minimum standards and requirements.

2. DEFINITIONS

Co-location The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Lattice Tower A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Monopole A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Open Space Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Telecommunication The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Wireless telecommunication antenna The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications shelter The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless telecommunications facility A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

3. DEVELOPMENT, CONSTRUCTION AND OPERATION STANDARDS No person or entity shall construct a wireless telecommunications tower and/or related facility or attach any wireless telecommunications equipment to any structure without site plan review and approval by the Planning Commission.
4. SUPPLEMENTAL REGULATIONS Proposed new telecommunication facilities shall comply with the development standards set forth herein. Wireless telecommunications towers/facilities are permitted as a sole use on a lot or combined with another use subject to all existing regulations in each district and the following:
- (a) Minimum setback-
Tower: must be set back from any property line or existing structure OFF THE LOT ON WHICH THE TOWER IS TO BE LOCATED by a distance equal to the vertical height of the tower.
 - (b) Maximum height-
 - (1) Stand-Alone Tower: must not exceed 150 feet (including antenna) if designed for use by a single user, 175 feet if designed for use by two co-users; and 200 feet if designed for use by three co-users. Due to the proximity of the Akron-Canton Regional Airport, all wireless telecommunications towers must also receive FAA clearance before construction may proceed, and concurrence of the FAA decision by the Airport Director.
 - (2) Tower attached to existing building or structure: must not exceed 20 feet above the structure to which such tower or antennae is attached, and the total height (structure plus tower or antennae) must not exceed maximum height permitted for stand-alone tower.
 - (c) Maximum size-
The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, a total of 750 square feet.
 - (d) When a wireless telecommunications tower/facility is to be located on a property with an existing use:
 - (1) The existing use need not be affiliated with the wireless telecommunications provider.
 - (2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
 - (3) The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (e) Security fencing eight (8) feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Planning Commission.

- (f) A vegetation screen shall be planted that consists of one row of a mixture of evergreen and deciduous trees or privet hedge planted five feet on center maximum. Landscaping plan is required to be submitted and approved by the Planning Commission.
- (g) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (h) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a mile of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within SIXTY (60) DAYS. The applicant shall present proof of mailing as well as responses to the Planning Commission as a means of demonstrating the need for a new tower. If a contacted wireless service provider fails to respond to a written request for co-location from the applicant within SIXTY (60) DAYS, the Planning Commission may accept the non-response as proof that co-location on an existing tower is not feasible.
- (i) No advertising is permitted anywhere on the facility, with the exception of identified signage permitted under this Ordinance and approved by the Planning Commission.
- (j) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- (k) Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.
- (l) No tower shall be artificially lighted except to assure safety or as required by the FAA. Security lighting around the equipment shelter is prohibited, unless specifically requested by the applicant, and a reason for such need is provided to and approved by the Planning Commission.
- (m). The tower shall be painted a neutral tone, i.e., desert sand/khaki, so as to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (n) Any application to locate an antenna on or near a building or structure that is of a historic nature shall be subject to review and input by the Historical Society.
- (o) The electromagnetic field levels of the towers shall conform with the standards developed by the National Council on Radiation Protection and Measurements (NCRP Report no. 86) or by the American National Standards Institute and the Institute of Electrical and Electronics Engineers (ANSI/IEEE C95.1-1992).

5. STRUCTURE CO-LOCATIONS SUPPLEMENTAL REGULATIONS The construction of wireless telecommunications towers/facilities in Business zoning districts shall conform to all applicable existing zoning regulations, all supplementary regulations contained herein, and the following Conditional use criteria:

- (a) In applying for a permit to construct a wireless telecommunications tower/facility in any district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a less restrictive district. Once efforts to locate in a less restrictive zone have been exhausted, a wireless telecommunications facility may be located in a business district subject to the following conditions:
 - (1) The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.
 - (2) The applicant shall submit for review a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining properties.
 - (3) When the telecommunications facility is located on property with another principle use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
 - (4) **Shall not be located within 300 feet of any residential district.**
- (b) All existing Conditional Use application and review procedures shall be followed.

6. REVIEW AND APPROVAL OF PLANS

- (a) The placing of wireless telecommunications antennae on any legal building or structure within the Village is determined to be a Conditionally permitted use in business districts only. Placement of equipment shall conform with the regulations of the zone in which it is located as well as the following:
 - (1) No wireless telecommunications antennae shall exceed twenty (20) feet or twenty (20%) percent of the building height, whichever is lesser, above the existing tower, building, or structure.
- (b) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with all applicable supplemental regulations contained herein. Also, vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.

7. APPLICATION FEE

THE APPLICATION FEE FOR ANY SITE PLAN REVIEW REQUIRED BY THIS ORDINANCE SHALL BE ONE THOUSAND (\$1,000.00) DOLLARS.

h. Adult Bookstores and Adult Motion Picture Theaters

Adult bookstores and adult motion picture theaters shall conform with the following standards:

1. The proposed use shall not be contrary to the public interest or injurious to nearby properties.
2. The proposed use will not enlarge or encourage the development of a blighting influence.
3. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
4. No adult bookstore or adult motion picture theater shall be established within 1000 feet of any residential district, any residential use, or any school, church or park.
5. No adult bookstore or adult motion picture theater shall be established within 1000 feet of another adult bookstore or adult motion picture theater.

i. Public Storage including Self-Service Storage Facilities

Public storage facilities including self-service storage facilities and mini-storage shall conform with the following standards:

1. Electronic surveillance equipment shall be required to serve as security for the facility.
2. Lot coverage of all structures shall be limited to 25%.
3. Building height shall not exceed 15 (fifteen) feet.
4. All roadways shall be paved with asphalt or concreted.
5. All one-way driveways shall provide for one ten foot parking lane and one twelve foot travel lane. Traffic direction and parking shall be designated by signage or driveway painting. All two-way driveways shall provide for one ten foot parking lane and two twelve foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage units.
6. One parking space for each ten units shall be required, and shall be equally distributed throughout the storage area. Two parking spaces shall be required for the managers quarters. One parking space for every twenty-five (25) storage units shall be required to be located at or near the office for prospective clients.

7. All lights shall be shielded to direct light onto the established buildings and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.

j. Surface Mining

No operator shall engage in surface mining or conduct a surface mining operation without a permit issued by the zoning Inspector as conditionally approved by the Planning commission.

1. An application for a permit, with the permit fee of seven hundred and fifty dollars (\$750.00), shall be submitted and shall contain:
 - (a) The name and address of the applicant, of all partners if the applicant is a partnership, or all officers and directors if the applicant is a corporation, and any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant.
 - (b) A list of the minerals sought to be extracted, an estimate of the annual production rates for each mineral, and a description of the land upon which the applicant proposes to engage in a surface mining operation, which description shall set forth: the name of the counties, townships and municipal corporations in which the land is located; the location of its boundaries; and a description of the land of sufficient certainty that it may be located and distinguished from other lands.
 - (c) An estimate of the number of acres of land that will comprise the total area of land to be affected and an estimate of the number of acres of land to be affected during the first year of operation under the permit.
 - (d) The name and address of the owner of surface rights in the land upon which the applicant proposes to engage in surface mining.
 - (e) A copy of the deed, lease or other instrument which authorizes entry upon such land by the applicant or his agents, if surface rights in the land are not owned by the applicant.
 - (f) A statement of whether any surface mining permits or strip mining licenses are now held by the applicant in this state, and if so, the numbers of the permits or licenses.
 - (g) A statement of whether the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors or managers of the applicant has ever had a surface mining permit or strip mining license issued by this or any other state suspended or revoked, or has ever forfeited a surface or strip mining bond, cash or a security deposited in lieu of bond.

- (h) A report of the results of test borings that the operator conducted on the area or otherwise has readily available, including, to the extent that such information is readily available to the operator, the nature and depth of overburden and material underlying each mineral and the thickness and extent of each mineral deposit. All information relating to test boring results submitted to the Zoning Inspector shall be kept confidential and not made a matter of public record, except that the information may be disclosed by the Zoning Inspector in any legal action in which the truthfulness of the information is material.
- (i) A complete plan for mining and reclamation of the area to be affected, which shall include a statement of the intended future uses of the are and show the approximate sequence in which mining and reclamation measures are to occur, the approximate intervals following mining during which the reclamation of all various parts of the area affected will be completed, and the measures the operator will perform to prevent damage to adjoining property, including maintenance of water table, and to achieve all the following general performance standards for mining and reclamation:
 - (1) Prepare the site adequately for its intended future uses upon completion of mining.
 - (2) Where a plan of zoning or other comprehensive plan has been adopted which governs land uses or the construction of public improvements and utilities, for an area that includes the area sought to be mined, insure that future land uses within the site will not conflict with the plan.
 - (3) Grade, contour or terrace final slopes, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. High walls will be permitted if they are compatible with the future uses specified in the plan and measures will be taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, establish banks and slopes that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, include measures to insure public safety, including fencing, but access need not be provided.
 - (4) Resoil the area of land affected, wherever needed, with topsoil or suitable subsoil, fertilizer, lime or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control erosion and sedimentation.
 - (5) Establish a diverse vegetative cover of grass and legumes or trees, grasses, and legumes capable of self-regeneration and plant succession wherever required by the plan.
 - (6) Remove any metal, lumber, equipment or other refuse resulting from mining, and remove any unwanted or useless structures.

- (7) Reestablish boundary, section corner, government and other survey monuments that were removed by the operator.
- (8) During mining and reclamation, insure that contamination, resulting from mining, of underground water supplied is prevented. Upon completion of reclamation, insure that any lake or pond located within the site boundaries are free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life. The permittee shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish proper potability of any polluted or contaminated well or wells. Unless otherwise enumerated or delineated by the Zoning Inspector, the requirement to provide such immediate water supply shall be limited to residents within 1000 feet of the mining operation. The permit holder shall be responsible for the obligation to provide potable water, without cost to the residents receiving the same, provided liability is established by the Ohio Department of Natural Resources. The voluntary providing of water by the permittee shall not be construed as an admission of liability.
- (9) During mining and reclamation, control drainage so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operation. Leave any ponds in such condition as to avoid their constituting a hazard to adjoining lands.
- (10) Insure that mining and reclamation are carried out in the sequence and manner set forth in the plan and that reclamation measures are performed in a timely manner. All reclamation of an area of land affected shall be completed no later than six months following the mining of such area, unless the operator makes a showing satisfactory to the Zoning Inspector that the future use of such area required a longer period for completing reclamation. Extension due to weather delay will be subject to Zoning Inspector approval.
A surety bond of twenty-five thousand dollars (\$25,000) per mining operation shall be deposited with the Clerk prior to any mining to insure site restoration as required by Ohio Revised Code Chapter 1509, and the Village of Lakemore Planning and Zoning Commission
- (11) During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing and resoiling that it specified in the plan. Stabilize the slopes of and plant each spoil bank to control soil erosion and sedimentation wherever substantial damage to adjoining property might occur.
- (12) During mining, promptly remove, store or cover any coal, pyritic shale, or other acid producing materials in a manner that will minimize acid drainage and the accumulation of acid water.

- (13) During mining, detonate explosives in a manner that will prevent damage to adjoining property in accordance with specific blasting permit issued by the Village. The applicant must provide evidence of liability insurance in the amount of seven hundred and fifty thousand dollars (\$750,000). Such policy must be on file with the Clerk's office.
- (j) A map in triplicate, on a scale of not more than four hundred feet to the inch, or three copies of an enlarged United States geological survey topographic map on a scale of not more than four hundred feet to the inch. The map shall:
- (1) Be prepared and certified by a registered professional engineer and registered surveyor, State of Ohio.
 - (2) Identify the area of land to be affected corresponding to the application, with minimum setback to be established by the conditional permit.
 - (3) Show the probable limits of subjacent and adjacent deep, strip or surface mining operations, whether active, inactive, or mined out. Show the office facilities, certified scale, sanitary facilities and health and safety devices pertinent to the operation.
 - (4) Show the boundaries of the area of land to be affected during the period of the permits and the area of land estimated to be affected during the first year of operation, name the surface and mineral owners of record of the area, and the owners of record of adjoining surface properties.
 - (5) Show the names and locations of all streams, creeks or other bodies of water, roads, railroads, utility lines, buildings, cemeteries and oil and gas wells, on the area of land to be affected and within five hundred feet of the perimeter of the area.
 - (6) Show the counties, municipal corporations, townships and sections in which the area of land to be affected is located.
 - (7) Show the drainage plan on, above, below and away from the area of land to be affected, indicating the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving or to receive this discharge.
 - (8) Show the location of available test boring holes that the operator has conducted on the area of land to be affected or otherwise has readily available.
 - (9) Show the date on which the map was prepared, the north direction and the quadrangle sketch, and the exact location of operation.
 - (10) Show the all-weather, two-lane service roads (minimum eighteen feet width), adjoining public roads, and specific dust control measures for internal and external traffic, including bitumin binding materials.

- (11) Show the type, kind, location and reference of all existing boundary, section corner, government and other survey monuments within the area to be affected and within five hundred feet of the perimeter of the area.
 - (12) Show restricted access safety zones, signage, approved barriers as appropriate for fixed base processing equipment or pits, water holes, and potential safety hazards.
 - (13) The certification of the maps shall read: "I, (the undersigned owner), hereby certify that this map is correct, and show to the best of my knowledge and belief all of the information required by the surface mining laws of the State." The certification shall be signed and attested before a notary public.
The Zoning Inspector may reject any map as incomplete if its accuracy is not so certified and attested.
 - (14) Before any existing operator's site plan can be approved for any additional surface mining, an equal or greater amount of land must be reclaimed as per ODNR standards.
2. (a) At a minimum of thirty days prior to the start of mining operations, a map indicating any and all routes and time schedules to be used in conjunction with the mining operations shall be submitted to the Village Administrator. The Village Administrator shall then visually inspect such roads in the company of an agent of the permittee to determine their condition prior to any activity on the part of the applicant.
- (b) The correction of any damages to any road surfaces occurring as the direct or indirect result of the movement of heavy equipment or heavy trucks any way associated with the mining shall be the responsibility of the permit holder. The Village assumes no liability for damage to the applicant's equipment or load being moved due to the failure of the Village streets. The permit holder shall compensate the Village for personal injury and/or property damages and shall further hold the Village harmless of any and all claims, damages or proceedings of any kind and from all responsibility for personal injury or property damage, public or private, caused directly or indirectly as a result of the transportation of any and all equipment related to the mining activity.
- (c) The applicant shall further post a cash bond of not less than five thousand dollars (\$5000.00) with the Village to cover the costs of repair of all affected roads and/or public improvements which may be damaged as a result of the transportation of equipment by the applicant.
- (d) The applicant shall provide a general liability insurance policy in the amount of one million dollars (\$1,000,000), a copy of which, in full force and effect, shall be on file with the Clerk.
3. Movement of any vehicles exceeding the legal weight limits set by law shall be prohibited on any and all Village streets without prior written approval by the Village

Administrator. The movement of such vehicles is further prohibited on Saturday, Sunday and/or holidays and at any other time other than 7:00 a.m. to 6:00 p.m., unless otherwise approved by the Village Administrator. The Village Administrator shall have the right and discretion to revoke approval of transportation of equipment at any time that the condition of the roads, the weather or the traffic conditions make travel unsafe, or imminent threat of severe damage to the roads and/or public improvements along the proposed routs of travel of such vehicles exists.

4. Actual working hours shall be conducted between 7:00 a.m. and 7:00 p.m., Monday through Friday and from 7:00 a. m. to Noon on Saturday. No work shall be done on Sundays or Holidays.
5. Required setbacks shall be:
 - (a) Five hundred feet (500) from any existing building and/or property designed as a recreational facility at the time of application.
 - (b) One hundred feet (100) from any other existing property lines.
 - (c) Five hundred feet (500) front yard setback.
6. While mining, all mud carried onto public roadways by trucks, equipment, etc., shall be cleared by the miner from the public roadways as many times as necessary every day to keep the road clean and safe at all times. The miner shall have Village Administrator approved road cleaning equipment at the site at all times for this purpose.
7. Safety signage must be provided as required at the direction of the Planning and Zoning Commission and the Zoning Inspector. See Uniform Traffic Control Chart, Ohio Department of Transportation, latest edition.
8. All E.P.A. rules shall be followed relative to air quality control and disposal of waste water.
9. The operator shall post in a conspicuous place the seal of the Weights and Measures Inspector of jurisdiction, at the truck scale.
10. Pursuant to Ohio Revised Code 1509.39 and in order to insure continuing compliance with the health and safety standards as are set forth above during the life of the project within the Village limits, there is hereby established an annual fee to be used for regulation of such operations and to cover the cost of the inspection and enforcement of past, present and future regulations within the Village. The amount of such fee shall be five hundred dollars (\$500.00) per site per year. The fee is due and payable in the first year of operation within ten days after a conditional zoning certificate has been granted. Thereafter, the fee is due and payable on January 1 of each year for such sites in successive years and during the life of the project and until final inspection is completed as approved by the Zoning Inspector.

11. The failure to pay the fee as is set forth in subsection (8) hereof shall be grounds for revocation of the conditional zoning certificate for such surface mining operations in accordance with subsection (10) hereafter.
12. Failure to comply with any provisions of this section shall be grounds to refuse to issue a permit to mine or shall be grounds to revoke a permit already issued. Revocation of a permit shall remove all right of the permittee to mine until such time as the permittee takes steps to be in compliance with this section. Mining operations carried on by the permittee after revocation of this permit shall constitute a violation of this section and shall be punishable as provided in subsection (11) hereafter.
13. Whoever violates any of the provisions of this section, or any amendment hereafter adopted to this section, shall be guilty of a first degree misdemeanor and upon conviction thereof, shall be fined not more than one thousand dollars (\$1000.00). Each day's violation of any provision shall constitute a separate offense. The Village Solicitor is further authorized to seek injunctive relief against any violation of any provision of this section or of amendments hereto in any proper court.

SECTION 501.4 ADDITIONAL CONDITIONS

In addition to complying with the general and specific requirements set forth in Subsections 501.2 and 501.3, additional conditions appropriate to each particular application may be set forth by the Planning Commission.