

CHAPTER 1248  
Conditionally Permitted Uses

1248.01       Drilling and exploration for gas and oil (R1-1)

CROSS REFERENCES

Division of Municipal Corporation into zones – see Ohio R.C. 713.06  
Restriction in location of building and structures – see Ohio R.C. 713. 07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentages of lot occupancy and set back building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classifications of buildings and structures – see Ohio R.C. 713.11  
Administrative board; powers and duties – see Ohio R.C. 713.11  
Notice and hearing on zoning regulations – see Ohio R.C. 713. 12  
Violations may be enjoined – see Ohio R.C. 713. 13  
Provisions relating to all districts- see P. & Z. Ch. 1260  
Fences – see P. & Z. Ch. 1262  
Off street parking – see P. & Z. Ch. 1264  
Swimming pools- see P. & Z. Ch. 1266  
Nonconforming uses – see P. & Z. Ch. 1268

1248.01 DRILLING AND EXPLORATION FOR GAS AND OIL (R1- 1)

Subject to a Conditional Use Certificate and further subject to the following conditions:

- (a) Define “Person” as used within this section to mean any natural person, general partnership, limited partnership, corporation, firm or common enterprise; and “drilling operation” to mean each and every well that is drilled, reopened, or plugged back or drilled for the disposal of waste.
  
- (b) All persons drilling and / or exploring for gas and oil must first obtain a special hauling permit from the village at least ten days prior to the initiating of such drilling or exploration. The granting of a special hauling permit is conditioned upon first securing a road restoration bond under the aegis of the Zoning Inspector.
  
- (c) No person shall erect, use, and/ or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any and all inhabited dwellings without first obtaining written consent from all owners of said dwelling within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state that the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said dwelling.

- (d) No person shall erect, use and /or operate any rotary drilling rig nearer then five hundred (500) feet, and cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any public building which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, or occupancy by the public without first obtaining written consent of all owners of such buildings within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said public building.
- (e) No person shall erect, use/ and or operate any drilling rig nearer than three hundred (300) feet from any private water supply without first obtaining written consent of the owners of ht property within that radius as measured from the center of the proposed well. The written consent form shall specifically state that the property owner has given his consent to the erection, use, and/ or operation of such drilling rig within such distance of said private water supply.
- (f) Access routes shall be established by the zoning Board for ingress and egress to the drilling site.
- (1) Primary consideration shall be given to the route or routes which will minimize wear and tear of Village streets.
  - (2) Entrances to and exits from the drilling site shall be at points which will minimize congestion and hazard.
  - (3) No such access point to the drilling site shall be located nearer than one hundred twenty-five (125) feet from the intersection of two (2) street lines. No more than two (2) access points shall be established to any one well.
  - (4) The maximum width of driveways shall be twenty- four (24) feet.
  - (5) A suitable size culvert pipe, as specified by the Zoning Board shall be placed in any culvert, trench, or ditch under the supervision of the road foreman over which the driveway or driveways will be placed.
  - (6) All driveways providing ingress and egress for the drilling site shall be maintained to minimize dust and the tracking of mud and debris onto the hard surface pavement.
  - (7) A turnaround for all vehicles shall be provided which will accommodate the largest vehicle used in connection with the operation or the drilling site, unless otherwise approved by the Zoning Inspector.
- (g) There shall be absolutely no on street parking. One off- street parking space shall be provided for each worker at the site.
- (h) Where lighting is used at the drilling site said lighting shall be placed in such a manner as to shield adjacent inhabited dwelling from direct emissions of light.
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- 1248.01 PLANNING AND ZONING CODE
- (i) The process of “fracturing” dressing tools sharpening bits, or operation of a forge is prohibited between the hours of 9:00 p.m. and 6:00 a.m. in any area where inhabited

dwelling is situated within three hundred (300) feet of such process or operation unless the written consent of the residents of such dwelling is first obtained.

- (j) A written drilling log is required to be kept at the drilling site. The log shall contain the drilling depth reached at twenty four (24) hour interval. The dates and times at which the process of "fracturing" is conducted shall be entered in the log. The log shall be kept and made available for inspection to the Zoning Inspector upon request.
- (k) A plot plan shall be prepared and shall designate in detail, and in a suitable scale drawing, the location or proposed location of all wells, shut off valves, heating equipment, transmission lines, electricity service entrance and circuit breakers for all electrical equipment. The plot plan shall be furnished to the zoning Inspector prior to drilling and kept updated.
- (l) Suitable firefighting equipment, as approved by the Rochester Fire Chief shall be kept on the drilling site and maintained in an operable condition during drilling. Such equipment shall be placed in a location to provide ready access in the event of an emergency
- (m) In connection with the operation of the drilling site, the names, mailing addresses, and telephone numbers of each of the following shall be supplied to the Zoning Inspector and kept updated.
  - (1) In case of a corporation, its statutory agent and the managing officers.
  - (2) In case of a general or limited partnership, each of the managing partners.
  - (3) In the case of any other firm or common enterprise, each individual associated therein.

In addition the names, addresses and telephone numbers of all general contractors employed by any person in connection with the drilling operation shall also be provided to the zoning inspector.

(n) All pits used for the temporary storage of salt water and oil field waste shall be liquid tight and constructed and maintained to prevent escape of such water and waste through run off, percolation, or otherwise. The pit shall be enclosed by a fence at least five (5) feet in height. Said fence shall be constructed and designed to prevent trespassing. A written log shall be kept detailing how, when and where salt water, oil field waste, and other noxious, harmful or hazardous discharge is disposed of and it shall not be drained into any open field, open ditch, culvert, storm sewer, running stream or other water way. At least 24 hours prior to the disposal of the above mentioned materials written notice of the method and material to be disposed of shall be furnished to the Zoning Inspector for each and every well.

(o) All storage tanks shall be painted and other equipment that remains at the drilling site shall be screened, by providing :

- (1) An opaque wall
- (2) A uniformly painted fence, or
- (3) A strip of land at least four (4) feet wide and densely planted with shrubs or trees or a combination thereof.

Such screening shall be at least six (6) feet in height and at least as long as that which the screening is designed to screen.

(p) The location of any abandoned gas or oil well shall be reported to the Zoning Inspector in writing within 30 days.

(q) Notice must be given to the Zoning Inspector no later than (10) days prior to the commencement of drilling operations.

(r) A certificate of compliance must be furnished to the Zoning Inspector at any time prior to the day on which the drilling operation is to commence. The certificate shall specifically state that :

- (1) The drilling operation shall be conducted pursuant to the health and safety standards of the village of Rochester
- (2) The Zoning Inspector has been furnished with all information required by condition m.
- (3) All consents required by conditions # c, d, e, and I have been obtained. A copy of each consent required and received must be provided to the Zoning Inspector at the time the Certificate of Compliances is required.

The certification shall be signed by the duly authorization agent of the corporation, partnership, firm, common enterprise, or by the natural person seeking to drill.

(s) A copy of the state drilling permits shall be submitted at the time the certificate of compliance required pursuant to condition r is filed.

(t) All activities, operations, and construction, not directly governed by Ohio Revised Code Chapter 1509 and the rules and regulations adopted there under by the division of gas and oil must comply with the Rochester Village zoning resolution in its entirety.

(u) Any part of these conditions which is superseded by any section of Chapter 1509 or any rule or regulation promulgated there under shall not affect the validity of any other condition.

In the event any word, phrase, sentence or structure or portion of these conditions shall hereafter be declared invalid such invalidity shall not affect the remaining portions and parts of these conditions herein.