

Volume

3

ZONING RESOLUTION

BAZETTA TOWNSHIP TRUMBULL COUNTY, OHIO

ZONING RESOLUTION

ORIGINAL ZONING RESOLUTION ADOPTED NOV. 1969

Administrative Manual Guide

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Introduction

Zoning Resolution for Bazetta Township

A Resolution providing for the zoning of Bazetta Township by regulating size and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands, and for such purposes, dividing the township into zones and districts of such number, sizes, and shapes as are deemed best suited to carry out said purposes, and providing a method of administration and enforcement of this Resolution.

WHEREAS, the board of Trustees of Bazetta Township deems it necessary in the interest of the public health, safety, morals, comfort, and general welfare of said Township and its residents to establish a general zoning plan for the area of said Township

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of Bazetta Township:

SECTION 1: PURPOSES

For the purpose of promoting health, safety, morals, comfort, and general welfare; to conserve and protect property; to stabilize and preserve individual citizen's property values; to secure the most appropriate use of land; and to facilities adequate but economical provisions of public improvements, all in accordance with a comprehensive plan, the Boards of Trustees of Bazetta Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins, and manufactured homes, percentages of lot area which may be occupied, setback building lines, size of yards, courts, and other open spaces, density of population, administrative procedures to enforce the rules, regulations, and requirements of this Resolution, the use of buildings and other structures, including tents, cabins, and manufactured homes, and the use of land for trade, industry, residence, recreation, or other purposes, and for such purposes divide the area of the Township into districts or zones.

SECTION 2: DISTRICTS

For the purpose of carrying out the provisions of this Resolution, the area of the Township is hereby divided into the follows districts:

- **Residential**, which shall be designated as **“R-1 and R-2”** Districts.
- **Residential Apartments**, which shall be designated as **“RA”** Districts.
- **Commercial**, which shall be designated as **“C-1, C-2, and C-3”** Districts.
- **Industrial and Manufacturing**, which shall be designated as **“I”** Districts.
- **Manufactured Home Parks**, as defined and regulated by CH. 3733 of the Ohio Revised Code (ORC), which shall be designated as **“MH”**

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.



SECTION 3: AGRICULTURE

A. Land in any district may be used for agriculture purposes, except in platted subdivision as designated in Section 519.21 (B), Ohio Revised Code (ORC), and amendments thereto, in which case the provisions, conditions, and restrictions contained herein shall fully apply to the extent permitted by Section 519.21 (B), Ohio Revised Code (ORC), and amendments thereto. For the purpose of this resolution, “Agriculture” shall include, but not be limited to: agriculture farming, dairying, pasturage, apiculture, horticulture, flora culture, viticulture, dairying, and animal and poultry husbandry. A zoning certificate (Please see Annual Fee Schedule) shall be required for the construction of buildings incident to the use for agricultural purposes of land on which the buildings shall be located.

B. A zoning certificate (Please see Annual Fee Schedule) shall be required for the construction of buildings on agriculture parcels if the use thereof is not incident to agriculture.

SECTION 4: CLASSIFICATION OF USES

For the purposes of this Resolution, the various uses of land, buildings, and premises shall be classified as follows:

A. R-1 DISTRICT (RESIDENTIAL)

The following uses and no other shall be deemed class R-1 uses and permitted in all R-1 districts.

1. **Single family dwellings** and building accessory thereto (see Accessory Use, Section 30 Definitions). Dwellings shall not be deemed to include tents, cabins designated in transient tourist trade, and manufactured homes.
2. The taking of boarders or leasing of rooms by a resident family provided the total number of boarders and roomers does not exceed two in any one family dwelling.
3. No building in a R-1 District shall exceed two and one-half (2 ½) stories and shall not exceed a maximum of thirty-five (35) feet in height from the establishment grade level. ***No more than one single-family dwelling shall be placed on any lot.***
4. Any customary home occupations already existing are permitted to continue subject to termination under the rules pertaining to non-conforming. (Effective 1990)
5. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive be reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

Conditional Certificates:

The following permitted uses require a Conditional Zoning Certificate granted by the Bazetta Township Board of Zoning Appeals, in accordance with Section 4-2 of these Resolutions and subject to the requirements as defined within these Resolutions.

Church and or Church School and or other places of worship and that such church or church school and or other places of worship shall have a minimum requirement of one (1) acre lot and not more than three (3) acre lot; and, further provided that said church and or church school and or other places of worship shall have a minimum side yard clearance on each side of said building of not less than fifty percent (50%) of the distance constituting the frontage of the structure. (Motion 017-10)

SECTION 4: CLASSIFICATION OF USES (CONTINUED)

B. R-2 District (Residential)

The following uses and no other shall be deemed class R-2 uses and permitted in all R-2 districts:

1. Any use permitted in an R-1 district shall be permitted in an R-2 district.
2. Two – Family Dwellings and buildings accessory thereto see Accessory Use, Section 30 Definitions). Dwellings shall not be deemed to include tents, cabins designated in transient tourist trade, and manufactured homes. No more than one one-family or one two-family dwelling shall be placed on any lot. No building in an R-2 District shall exceed two and one-half (2 ½) stories, and shall not exceed a maximum of thirty- five (35) feet in height fro the establishment grade level.
3. **A. Government owned or operated buildings:**

Government buildings shall comply with the following requirements:

- All structures and activity areas, except off-street parking areas, shall be located at least 100 feet from all property lines.
- All points of entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares and/or no closer than 200 feet fro the intersections of a major thoroughfare and a collector street;
- Such develops shall be located on major thoroughfares, at intersections of major or collector streets, or on service roads for major thoroughfares;
- The minimum lot area shall be three (3) acres and the maximum lot area shall be ten (10) acres.

3. **B. Institutions for higher education and other educational facilities:**

Institutions for higher education and other educational facilities shall comply with the following requirements:

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

- In all districts where institutions for higher education are permitted such facilities shall be located on major thoroughfares, at intersections of major thoroughfares.
- All structures and activity areas, except off-street parking area, shall be located at least 100 feet from the property lines;
- The minimum lot area shall be three (3) acres and the maximum lot area shall be ten (10) acres.
- All points of entrance or exit shall be located no closer than 100 feet from the intersection of two major thoroughfares and/or no closer than 100 feet from the intersections of major thoroughfare and a collector street.

3. C. Churches and other religious worship buildings:

Churches and other religious worship buildings shall comply with the following requirements:

- In all districts where churches and other religious facilities are permitted as conditional uses, such facilities shall be encouraged adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
 - All points of entrance or exit shall be located no closer than fifty (50) feet from the intersection of two (2) major thoroughfares, and/or no closer than fifty (50) feet from the intersection of a major thoroughfare and a collector street.
 - * All structures and activity areas, except off-street parking area, shall be located at least 100 feet from the property lines;
 - The minimum lot area shall be three (3) acres and the maximum lot area shall be ten (10) acres
-
- The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive be reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

SECTION 4: CLASSIFICATION OF USES (CONTINUED)

C. RA DISTRICT (RESIDENTIAL APARTMENTS & CONDOMINIUMS)

The following uses, and no other, shall be deemed class RA uses and permitted in all RA Districts:

1. Any use permitted in R-1 and R-2 Districts shall be permitted in a RA District.
2. **Apartment house and/or multiple dwellings including condominiums.**
3. Height and bulk requirements for apartment/condominium developments of less than five (5) acres:

- **Rear Yard:** There shall be a minimum rear yard of not less than forty (40) feet in depth on every lot. For every building more than twenty (20) feet in height, the rear yard shall be increased in depth one (1) foot for each one (1) foot of height of the building over twenty (20) feet from the established grade level.
- **Side Yard:** There shall be a side yard on each side of every main building. The minimum width of each side yard shall be thirty (30) feet. If any building exceeds twenty (20) feet in height, the width of each side yard shall be increased by one (1) foot for each one (1) foot of height of the building over twenty (20) feet from the established grade level.
- In order to satisfy the minimum requirements of square footage per family, each apartment/condominium building must be constructed on a separate lot, as defined in this Resolution, whose dimensions satisfy the square footage minimum requirement and allowing for height and bulk requirements..

The Zoning Inspector shall require the owner or his representative to file a proposed plot plan with the Trumbull County Recorder in accordance with the procedure established by law for the recording of plot plans, and with the Trumbull County Planning Commission.

4. Upon discovery of any variation from the plot plan submitted, the Zoning Inspector shall commence a lawsuit in the appropriate court to enjoin the land use, which is in violation of these requirements.
5. **The owner or his representative shall obtain a zoning permit *prior to the construction* of each building in said development.**

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

6. Other building constructed in “RA” Districts shall be subject to the rest of the provisions of the Bazetta Township Resolution, including minimum lot widths, composition of buildings, minimum floor space, minimum lot per family, setback building lines, corner lots, parking facilities, zoning certificates, zoning amendments, definitions, validity, and Board of Appeal’s actions.
7. Two (2) separate entrance/exits shall be required for any apartment/condominium development on a site containing five (5) acres or more. If the development site has access to two (2) different roadways it shall make an entrance/exit onto each.
8. A minimum depth of a thirty (30) foot buffer of plantings, screen, and/or aesthetically approved fences shall be provided on any side and/or any rear of all apartment/condominium developments abutting R-1 or R-2 zones, or other areas occupied by residential dwellings.
9. Height: No building in any RA District shall exceed two and one half (2-1/2) stories and shall not exceed thirty – five (35) feet in height from the established grade level.
10. Requirements fro apartment/condominium developments of five (5) or more acres shall comply with Section: 9 Minimum Lot Area Per Family.
11. No multiple dwelling units in any apartment/condominium development shall exceed four (4) units.

SECTION 4: CLASSIFICATION OF USES (CONTINUED)

D. C-1 DISTRICT (COMMERCIAL)

The purpose of the C-1 District is to encourage the establishment of professional administrative, clerical, and similar uses, where services only are provided as practiced. Permitted uses are:

- Professional Offices such as:
 - * Doctor
 - * Dentist
 - * Attorney
 - * Accountant
 - * Veterinary
 - * Architect
 - * Professional Engineer
 - * And such other persons who can clearly establish that they practice a profession as opposed to an occupation, which is predominately commercial or mechanical in nature.
- Business Offices/Establishments such as:
 - * Banks
 - * Savings * Loan Companies
 - * Credit Unions
 - * Finance Companies
 - * Bed & Breakfast (limited to no more than 4 guests bedrooms)
 - * Pet Grooming Facility
 - * Photography Studio
 - * Funeral Home
- Also Permitted are:
 - * Golf courses
 - * Tennis Courts
 - * Private Parks/Playgrounds other than defined in Prohibited Uses, Section 5
 - * Human Care Facilities as stated in following Paragraph #2

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

And such other similar commercial businesses where services only are provided except for those uses listed as being C-2 or C-3 uses, industrial/manufacturing uses, and prohibited uses.

1. Any use permitted in R-1, R-2, and RA Districts shall be permitted in a C-1 District. All conditions and specifications stated for government owned or operated buildings, institutions for higher education and other educational facilities, and churches and other religious worship buildings in R-2, and RA Districts shall also apply here with the following exception: there will be no maximum lot area for the Government owned or operated buildings, institutions for higher education and other educational facilities, or churches and other religious worship buildings.
2. Human care facilities include hospital, sanitariums, convalescent homes, nursing homes, child day care centers, and homes for the aged.
3. The frontage on a public thoroughfare shall be a minimum of five hundred (500) feet. The minimum side lot clearance on any side of a building shall be not less than fifty (50%) percent of the distance constituting the frontage of the structure. A facility catering to patients with contagious diseases shall have a lot area of not less than one (1) acre per bed in addition to other requirements herein.
4. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive be reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

E. C-2 DISTRICT (COMMERCIAL)

The C-2 District will be designated for businesses where there is **an exchange of goods**, such as:

- Barber Shops, Beauty Salons
- Grocery Stores, Dairy Stores, Meat Markets, Bakeries, Ice Cream Parlors, Drug Stores
- Dry Cleaning and Laundry Establishments which provide for the purpose of self-service or pickup only
- Carpet Cleaning, Upholstery Shops, interior Decorating
- Hardware Stores, Jewelry Stores, Hobby Shops, Shoe Stores, Clothing Shops, Video Sales, Shoe Repair
- Restaurants within a permanent building (Not Drive-Thru Beverage Centers)
- Antique, Gift, Craft, and Florist Shops
- Storage Rental Units
- Dance and Karate Studios
- Shrub, Tree, and Landscaping Nurseries

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

- And such other similar businesses where there is an established exchange of goods except for those uses listed as being C-3 uses, industrial/manufacturing uses, and prohibited uses.
 1. Any use permitted in R-1, R-2, RA, and C-1 Districts shall be permitted in a C-2 District; however, all conditions and specifications stated for government owned or operated building, institutions for higher education and other educational facilities, churches and other religious worship buildings, and human care facilities in R-2, RA, and C-1 Districts shall also apply here with following exception: there will be no maximum lot area for the Government owned or operated buildings, institutions for higher education and other educational facilities, or Churches and other religious worship buildings.
 2. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive be reason of emission of odor, dust, smile, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

F. C-3 DISTRICT (COMMERCIAL)

The C-3 District will include **all other commercial uses not included in C-1 or C-2 Districts**, except for prohibited uses as listed in Section 5, and industrial and manufacturing uses.

Examples of C-3 uses are:

- Assembly Halls, Bars, Lounges
- Drive-In Fast Food Service, Drive-thru Beverage Centers
- Department Stores
- Dry Cleaning and Laundry Plants
- Repair Garages
- Repair Shops for Furniture, Tools, Appliances
- Auto, Truck, Tractor Sales –New or Used
- Indoor Theater, Bowling Alley, Dance Hall, Roller Skating Rink, Recreational Parks (that don't have power-driven rides)
- Job Printing and Newspaper Printing Plants
- Plumbing, Electrical, Heating Supply
- Retail or Wholesale Lumber and Building Supply Companies
- Animal Kennels and Animal Shelters
- Parks, Playgrounds, Athletic Fields

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

1. Any use permitted in R-1, R-2, RA, C-1, and C-2 Districts shall be permitted in a C-3 District; however, all conditions and specifications stated for government owned or operated buildings, institutions for higher education and other educational facilities, churches and other religious worship buildings, and human care facilities in R-2, RA, C-1, and C-2 Districts shall also apply here with following exception: there will be no maximum lot area for the Government owned or operated buildings, institutions for higher education and other educational facilities, or Churches and other religious worship buildings.
2. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the temporary storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

G. I District (INDUSTRIAL & MANUFACTURING)

The following uses, and no other, shall be deemed class “I” uses and permitted in all I Districts:

1. Any use permitted in R-1, R-2, RA, C-1, C-2, and C-3 Districts shall be permitted in I District.
2. **Any normal industrial or manufacturing use**, provided such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration, and adequate facilities are provided for the storage of refuse, waste, junk, and objects to be repaired and disposed of, and the same are screened from view.

H MH DISTRICT (MANUFACTURED HOME PARKS)

In the MH District, only the following buildings, structures, and uses shall be permitted:

1. All uses permitted in R-1 and R-2 Districts subject to the same yard area, height, and minimum floor provisions as in R-1 and R-2 Districts subject to the modifications contained in this sub-section H.
2. **Manufactured Home Parks** and accessory uses subject to the following regulations which are established to project and promote a suitable environment for family life, to meet the needs and demands for the development of manufactured home residential area and to protect and conserve property values and to protect the future development of land in accordance with good planning.
3. A minimum site of 15 acres with approved and installed sanitary sewers with a frontage of no less than 150-foot street frontage per entrance.

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

4. A minimum planted buffer strip 20 feet wide, which shall be maintained by the owner of the park. The minimum planted buffer strip shall be provided along the perimeter of the manufactured home park and shall not be occupied by any structure or use, nor shall it be included as a part of an individual manufactured home lot, but may be included in the 50 foot setback requirement.
5. A lot shall be provided for each manufactured home with the boundaries indicated. Each lot shall be not less than five thousand (5,000) square feet in area. No manufactured home or other permitted structure shall be placed closer than fifty- (50)-feet to a front or side street property line. Two parking spaces shall be provided for each manufactured home lot with an area of not less than one hundred and eighty (180) square feet per parking space exclusive of access thereto. Parking spaces on the access way shall not be considered as a part of this requirement.
6. The manufactured home located upon the lot shall be so located as to provide for a fifteen (15) foot side yard clearance.
7. The minimum floor space of manufactured homes designed and used for living quarters shall have a floor area of not less than six hundred (600) square feet. Each said manufactured home shall be located upon a separate concrete pad of not less than six hundred (600) square feet, no part of which shall be included in the requirements of HE 27-09 (G) of the **OHIO DEPARTMENT OF HEALTH REGULATIONS**.
8. Four (4) frame tie downs are to be installed in original pad. Tie down bars to be of buried depth of at least fifty (50) percent or more of the thickness of the pad, for securing the stability of the manufactured home.
9. Uses within a Manufactured Home Park development. *The following accessory uses and building shall be permitted.*
 - A permanent dwelling for one-family and office maintenance facilities for operation of the Manufactured Home Park.
 - Manufactured homes offered for sale by the operator of the Manufactured Home Park, provided no more than three (3) manufactured homes are displayed, said manufactured homes to be displayed in accordance with front and side street requirements of the development.
 - One outdoor advertising sign with only the name of the manufactured home park advertised thereon.
 - Garages, carports, and accessory buildings provided they are placed no closer than fifty -(50)- feet to a front or side street property line.

SECTION 4: CLASSIFICATION OF USES

(CONTINUED)

10. Recreation Area: An area containing not less than ten (10%) percent of the gross land area of the manufactured home park shall be reserved for recreational and open spaces uses. Said areas may not be included in the manufactured home lot nor located within the front, side or rear yard areas of the manufactured home park.
11. Prior to the submission of a zoning application of MH classification, the owner or developer shall submit plans of the manufactured home park to the office of the township Zoning Inspector in compliance with and meeting the requirements of Section 4 – 1 of this Resolution.
12. It shall be further required that a zoning permit be secured for each manufactured home located in the Manufactured Home Park prior to its installation. The zoning fee of manufactured homes herein is (Please see Annual Fee Schedule,) to be secured by the owner of the Manufactured Home Park. Permits for all other structures and uses within the Manufactured Home Park shall be obtained pursuant to the law and this Resolution.
13. Each manufactured home lot shall be provided with water, electrical, sewer, and refuse collecting facilities approved by the Ohio Department of Health, Trumbull County Board of Health, Trumbull County Building Inspector, and any other government agency with power of regulating and controlling said Facilities.
14. The Ohio State Department of Health shall have approved the plans and specifications for water supply and sanitary sewerage facilities prior to the submission of plans in Section 11 & 12 above, and the plans and construction and use shall conform to regulations for Manufactured Home Parks, whether specified by Ohio Statutes, Ohio Department of Health, Trumbull County Health Rules, or other local rules.
15. All changes in any governmental law or regulation, which are more restrictive, shall automatically apply to and be incorporated herein.

SECTION 4-1: PLANNED UNIT DEVELOPMENT

This section shall apply to the location and maintenance of a Planned Unit Development as herein defined. It is the response of this Section to promote the public health, safety, and welfare by providing for the regulation of planned unit developments. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.

- A. **Definition:** “Planned Unit Development” or **PUD** shall mean an area of land which a variety of housing types and subordinate commercial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of standard subdivision, such as building design principles, and landscaping plans.
- B. **Interpretation:** Whenever the requirements of this Section appear to be in conflict with other Sections of the Resolution or with those of other existing resolutions, the provisions of this Section shall prevail.
- C. **Permitted Uses and Structures:** Any uses permitted in R-1, R-2 and RA Districts shall be permitted here. Selected commercial uses shall be permitted: These are, but not necessarily, limited to golf courses, club house, pro shop, restaurant, and convention center.

D: Development Standards:

1. A **PUD** shall cover an area of not less than fifty (50) contiguous acres, which shall not be subdivided by: any limited access highway; any area of land not included in the proposed development; or any railroad right-of-way.
2. Central or public sanitary sewerage facilities and central or public water facilities shall be required. All utilities must be underground.
3. A minimum of twenty percent (20%) of the total area in the development excluding streets, front, side, and rear yard requirements must be devoted to open space dedicated for the use of the residents of the planned unit development. Lakes and waterways can be used as open space. No single park or open space shall contain less than one- and- a- half (1 ½) contiguous acres. Furthermore, no single park or open space shall be credited for more than two-thirds (2/3) of the minimum open space requirements.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (continued)

4. The required amount of common space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have a title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for perpetual care and maintenance of all common area.
- Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless the land or right-of-way is usable as a trail or similar purpose, and has been approved by the Zoning Commission. The developer before approval of the final development plan shall specify the responsibility for the maintenance of all open spaces.
5. Lot requirements: The final plans submitted for a PUD District may wither depict lots with or without building sites located thereon, under the standards and regulations set forth in this PUD resolution, or, the plan can show actual locations and sites for clustered dwellings, or zero lot line attached or unattached structures on common owned land without reference to lot lines.

A. If the Plan or portions of the plan are submitted without conventional lot lines, the following shall apply:

- The plan must describe arrangements for ownership of the land and structures contained within such areas.
- Any and all structures and improvements must be located on drawings submitted with the final plan, including, but not limited to, all buildings and structures, utility improvements, and roadways.
- In no case shall the density of housing units exceed three (3) per acre for the overall tract, including open areas.

B. If the plan including lots, the following requirements apply:

- Shall have less than Single family or two family lots shall be on the average of fourteen thousand (14,000) square feet, but the minimum square feet shall not be less than twelve thousand (12,000) square feet for any single or two family lot. No lot forty- (40) feet of frontage on a public or private street or width less than sixty (60) feet at the building line.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

- The front yard setbacks for single family dwellings in a PUD may be varied to allow an average setback of forty (40) feet from the road right-of-way throughout said development provided that the following requirements are met:
 - The minimum front yard setback allowed shall be thirty (30) feet.
 - Upon approval of the flexible front yard setback, said setback lines shall be placed on the final development plan. At the time of plat approval, the flexible front yard

B. If the plan includes lots, the following requirements apply: (Continued)

- Setback lines shall become the minimum required setback for each lot, as it is in the final subdivision plat.
 - Side yards for single-family dwellings shall be a minimum of five (5) feet on each side; except for corner lots where the corner side shall be fifteen (15) feet.
 - Rear yards for single-family dwellings shall be a minimum of forty-(40) feet. Accessory buildings to single family dwellings shall be a minimum of five (5) feet from any side lot line and a minimum of ten (10) feet from a any rear lot line and be the same as R-1.
6. A PUD shall consist of single family and multi-family dwellings. The ratio of single-family dwellings to multi-family dwellings shall be one single family dwelling for every four (4) multi-family dwellings.
 7. The density of the total PUD shall be the minimum of ten-thousand (10,000) square feet per unit, not including street right-of-ways or open space. For each multi-family dwelling over two units, a minimum of four thousand (4,000) square feet shall be added to fourteen thousand (14,000) square feet for each dwelling unit.
 8. Yard size for multi-family dwellings shall be as required in a RA District. Height of buildings and parking requirements for multi-family dwellings in a PUD shall be a maximum of thirty-five (35) feet or two and one-half (2-1/2) stories in height, and a minimum of two and one-half (2-1/2) parking spaces per unit.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

COMMERCIAL AREA REQUIREMENTS:

1. A PUD may consist of certain selected commercial uses, which would complement open space buffers, such as golf courses. These are, but not necessarily, limited to the following commercial uses: club house, pro shop, restaurant, and convention center. These commercial uses would be determined at the time of approving the overall PUD plan concept.
2. Commercial buildings and establishments shall be planned in groupings having common parking areas and common ingress and egress points, wherever possible. Plantings, screens, aesthetically approved fences, and buffers shall be provided on any side or rear abutting areas occupied by residences. The plan shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and for such other features and facilities as may be necessary.
3. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in neat and orderly manner as specified by the Zoning Commission.
4. Parking: Off-street parking, loading, and service area shall be provided in accordance with applicable commercial parking area requirements contained in this resolution. However off-street parking and loading area shall not be permitted within one hundred (100) feet of any residential use.

F. OWNERSHIP:

1. The project land may be owned, leased, or controlled either by a single person or a corporation, or by a group of individuals or corporations. Such ownership may be by public or private corporations. The structures and improvements on the land may be owned separately from the project land itself.
2. Ownership of the common open space shall be the development owner in common ownership for the use of each owner who buys property within the development. The responsibility for the maintenance of all open spaces shall be clearly set forth in the plan.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

G. ROADWAYS:

1. Road systems within the PUD District shall be adequate to assure safe and reasonable traffic circulation, access to dwelling units and to commercial establishments, and shall further provide for adequate off-street parking. Any roadways, which will be dedicated for Township or other public maintenance, shall meet all applicable subdivision regulation, cross sections, and widths.
2. A minimum of two (2) separate entrance/exits shall be required for any planned unit development. If the development site has access to two (2) different roadways, it shall make an entrance/exit onto each.

H. PRE-APPLICATION MEETINGS:

The developer shall meet with the Zoning Inspector and the Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss the reason and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the zoning and other applicable regulations.

I. PRELIMINARY DEVELOPMENT PLAN:

An application for the preliminary PUD approval shall be filed with the Zoning Inspector by at least one owner of the property for which the PUD is proposed. At a minimum, the application shall contain the following information, filed in triplicate:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

6. Proposed amending resolution;
7. A vicinity map at a scale approved by the Zoning Inspector showing the property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require;
8. A preliminary development plan at a scale approved by the Zoning Inspector showing topography at two (2) foot intervals; location and type of residential and commercial uses; layout, dimensions, and names of existing and proposed streets; right-of-ways. Utility easements, parks and common open space; layout and dimensions of lots (if applicable), and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Zoning Commission may deem necessary;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
11. A fee as established by this Resolution; (Please see Annual Fee Schedule)
12. A list containing the name and mailing addresses of all abutting property owners of the proposed development;
13. Verification by at least one owner of the proposed development that all information in the application is true and correct to the best of his knowledge;

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.

J. ZONING COMMISSION PUBLIC HEARING:

1. The Zoning Commission shall schedule a public hearing on the application for approval of the preliminary development not less than twenty (20) or more than forty- (40) days from the date of filing such application.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

2. Notice of public hearing shall be given in one or more newspapers of general circulation at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees for further determination.
3. Also, before the public hearing, written notice of such hearing shall be sent by the Zoning Commission by regular mail, at least ten (10) days before the hearing, to all abutting property owners and to such others the Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of the notices published in the newspaper.
4. For a period of at least ten (10) days prior to the public hearing by the Zoning Commission, all papers relating to the planned unit development shall be available for public inspection in the office of the Zoning Inspector.
5. Within thirty (30) days after the public hearing, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits (combination of various land uses in the surrounding area) justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

K. FINAL DEVELOPMENT PLAN:

After Approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan approval in principle. For the purpose of this resolution, the submission of the final development plan is a formal request for rezoning of the property in question. Eight (8) copies of the final development plan drawn to scale shall be submitted. An application for approval of the final development plan shall be on file with the Zoning Inspector by at least one owner of the property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At minimum, the application shall contain the following:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development including major wooded areas, structures, streets, easements, utility lines, land uses, and flood plains.
2. All information required on the preliminary development plan, the location and sizes of lots (if applicable), location and proposed density of dwelling units, nonresidential building intensity, and land uses considered suitable for adjacent properties.
3. A schedule for development of units to be constructed in progression, and a description of the design principles for the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated nonresidential population by type of housing, estimated nonresidential population, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements whenever the application proposes any exception from standard zoning districts requirements or other resolutions governing developments.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, street improvements, and the nature and extent of earth work required for site preparation and development.
5. Site plan, showing buildings, various functional use areas, circulation, and their relationship.
6. Preliminary building plans.
7. Landscaping plans.
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
9. A fee as established by the resolution.(Please see Annual Fee Schedule)

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

L. APPLICATION FOR ZONE CHANGE:

Within thirty- (30) days after submission of the final development plan, the Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in this Section 4-1.

CRITERIA FOR ZONING COMMISSION RECOMMENDATIONS:

Before making its recommendation, the Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years from the date of approval.
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
3. Any proposed commercial development can be justified at the location proposed.
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development requirements and the need to provide a variety of housing opportunities with regard to type and price.
5. The area surrounding said development could be planned and zoned in coordination and substantial compatibility with the proposed development.
6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

M. RECOMMENDATION BY ZONING COMMISSION:

Within thirty (30) days after the zone change hearing, the ZONING COMMISSION shall recommend that the final development plan be approved as presented, approval with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Township.

O. PUBLIC HEARING BY TOWNSHIP TRUSTEES:

1. After receiving the recommendation from the ZONING COMMISSION, the Trustees shall schedule a public hearing within thirty- (30) days.
2. Notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least ten (10) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development, and a statement that all papers relating to the project are on file with the clerk and open for public inspection. All such papers and documents shall be available for examination at least ten (10) days prior to the public hearing.
3. Notice of the hearing on planned unit development shall be mailed by the Clerk, by regular mail, at least ten (10) days before the date of the public hearing to *all abutting property owners* and to such others as may be determined should receive such notice.

P. ACTION BY TOWNSHIP TRUSTEES:

1. After the public hearing, the Trustees shall either approve with supplementary conditions, or disapprove the application within thirty (30) days. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Zoning Inspector to issue zoning permits in accordance with the approval plan and any conditions thereto attached. The final development plan shall further be considered as a primary part of the rezoning amendment, and *no change from or substantive alternation in such planned unit development shall be permitted without repetition of the procedures in these sections.*
2. In the event that the Trustees deny or substantively modify the final development plan as recommended by the Zoning Commission, any resulting final development plan for said planned unit development shall not be effective unless passed or approved by two-thirds (2/3) to confirm the Zoning Commission's recommendation and an unanimous vote to deny or alter the Zoning Commission's decision.

SECTION 4-1: PLANNED UNIT DEVELOPMENT (Continued)

Q: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

1. In approving any planned unit development application, both the Zoning Commission and the Township Trustees may prescribe appropriate conditions and safeguards in agreement with this resolution. Any violation of such conditions or safeguards which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this resolution and be punishable with revoking of the zone change.
2. Violation of the approved PUD District provisions shall constitute a violation of the Bazetta Township Zoning Ordinance.
3. The approval of a final development plan for a PUD district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approval final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of time limit or modification of the approved final development plan may be approved if the Township Trustees find that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved closing development plan shall in any way affect the terms under which approval of the planned unit development was granted.

SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR APPROVALS OF CONDITIONAL ZONING CERTIFICATE

Conditional uses shall conform to the procedures and requirements of this Resolution.

A. CONDITIONAL USES:

Conditional uses possess unique or special characteristics relating to location, design, size, traffic generation, and method of operation. Because of these characteristics, each use is considered on an individual basis. The conditions, which dictate the issuance of the zoning permit, are usually directed toward minimizing possible detrimental effect of the proposed uses on the character, value, and development of the adjacent area. These uses as they are conditionally permitted shall follow the procedures and requirements set forth in this Resolution.

B. CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT:

An application for conditional use permit shall be filed with Chairman of the Board of Appeals by at least one owner of lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and telephone number of applicant/owner.
2. Legal description of property;
3. Description of existing use;
4. Present zoning district;
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 determining if the proposed conditional use meets the intent and requirements of this Resolution. Drawings, sketches, or photographs showing the character of the structure/structures proposed for the entire area, which shall show the approximate size, number, and use of all proposed rooms with the structures.
7. A narrative statement evaluating the economic effects on adjoining property; the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining and other properties; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR APPROVALS OF CONDITIONAL ZONING CERTIFICATE (CONTINUED)

C. GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES:

In addition to the specific requirements for conditionally permitted uses the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or the Zoning Resolution.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the Zoning Classification for his vicinity, and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide satisfactorily any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services, and not be detrimental to economic welfare of the community.
6. Will not involve uses, activities, processes, material, 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. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads; and;
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR APPROVALS OF CONDITIONAL ZONING CERTIFICATE (CONTINUED)

D. SPECIFIC CRITERIA FOR CONDITIONAL USES:

The following is a list of specific requirements for conditionally permitted uses as specified by this Regulation, which shall be the official schedule of district regulations:

1. All structures and activity areas should be located at least fifty- (50) feet from all property lines.
2. Loud speakers that cause a hazard or annoyance shall not be permitted.
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one (1) advertisement oriented to each abutting street identifying the activity.
5. 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.
6. Such developments should be located adjacent to non-residential issues such as churches, parks, industrial, or commercial uses.
7. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into residential and/or abutting areas.
8. Such uses should be properly landscaped to be harmonious with surrounding uses.
9. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
10. 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.
11. Truck parking areas, maneuvering lanes, and access ways to public streets 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.

SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR APPROVALS OF CONDITIONAL ZONING CERTIFICATE (CONTINUED)

E. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 25 of this Resolution.

F. PUBLIC HEARING BY THE BOARD OF ZONING APPEALS:

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in this Resolution.

G. NOTICE OF PUBLIC HEARING IN NEWSPAPER:

Before holding the public hearing required, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before date of the said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

H. NOTICE TO ALL PARTIES IN INTEREST:

Before holding the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board, *by first class mail*, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Chapter 519 of the Ohio Revised Code (ORC).

**SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR
APPROVALS OF CONDITIONAL ZONING CERTIFICATE -
(CONTINUED)**

I. ACTION BY THE BOARD OF ZONING APPEALS:

Within thirty- (30) days after the public hearing required, the Board shall either approve, or approve with the supplementary conditions, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a *conditional zoning permit* listing the specific conditions specified by the Board for approval. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas.

J. EXPIRATION OF CONDITIONAL USE PERMIT:

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

SECTION 5: PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any district.

- A. Amusement park; penny arcade
- B. Commercial aviation field
- C. Brewery
- D. Bulk petroleum station with tanks above ground, distilling or cracking plants, or plants used in refining of gasoline and oil products.
- E. Distilling of bones, fat, glue, or gelatin manufacturing
- F. Manufacturing or storage of explosives, gun powder, or fireworks, all gun ranges including outdoor rifle ranges, skeet ranges, trap shooting ranges.
- G. Dumping, storing, burying reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, unless such dumping is done at a place provided or approved by the Bazetta Township Trustees for specific purposes.**
- H. Junk yards, automobile grave yards, or places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, salvage, or junk for salvage or storage purposes, storing old tires, except where this use is an integral part in the manufacturing process.
- I. Commercial zoos or zoological parks
- J. Slaughter houses
- K. Trailer parks, manufactured home parks, trailers, and manufactured homes except as permitted under MH Districts.
- L. Privies or outside toilet facilities
- M. Raising minks; commercial fowl farm (for wholesale use), egg farm
- N. Cellar houses and garage dwellings, unless approved for temporary use (per Section 23: Zoning Certificate)
- O. The parking or storing of an abandoned, dismantled, wrecked, inoperative, unused, and/or unlicensed motor vehicle, trailer, aircraft, or piece of farm equipment, derelict recreational vehicles, boats, lawn equipment. Or any accumulation or combination parked or stored in a garage, barn, or other structure, and not exposed to public view.**
- P. All race tracks (horse, dog, auto, go-cart, motor bike, etc.)
- Q. Dude ranches
- R. Drive- In movie theaters
- S. Solid waste incinerators including medical waste incinerators
- T. Landfills (solid or liquid waste disposals)
- U. Recreational vehicle parks, campgrounds, temporary or permanent living quarters in (1) building structure or recreational vehicles, travel trailers, tents, or any other temporary shelters unless otherwise specifically stated as an allowed use elsewhere in this resolution.
- V. Adult entertainment businesses are only allowed in Industrial zoned areas.
- W. Dangerous pets**
- X. Human care facilities used as correctional institutions, facilities for drug, alcohol, and mental cases, half-way houses, detention homes, prisons, or other facilities housing dangerous or “problem cases”
- Y. The keeping and raising of horses, dairying, animal and poultry husbandry, other than household pets, is prohibited in R-1 and R-2 Districts in platted subdivisions on lots of one (1) acre or less; and lots greater than one (1) acre, but less than five (5) acres, when at least thirty five (35%) percent of the lots in the subdivision are developed with at least one improvement that subject to real property taxation, or that subject to the tax on manufactured homes. (Section 4503.06 ORC)

SECTION 5: PROHIBITED USES (continued)

- Z. Waste containers of the “Front Load Dumpster” or “Roll-Off Dumpster” types that are used as waste collection receptacles are prohibited in the Residential R-1 Districts.

A permit is required for the temporary placement of the type of waste container of the front load dumpster or roll-off dumpster types in the Residential R-1 Districts. The placement is not to exceed more than thirty (30) days. No more than two (2) permits at a charge of (Please see Annual Fee Schedule) each permit, will be issued in a calendar year. These types of waste containers are permitted for the period of a construction permit. These containers cannot be placed in the road right of way.

SECTION 6: NON-CONFORMING USES

-Uses that are prohibited, regulated, or restricted

The lawful use of any dwelling, building, or structure, and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such uses does not conform with such resolution amendment, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code.

Such non-conforming uses (uses that are prohibited, regulated, or restricted) are declared by this resolution to be incompatible with permitted uses in districts involved. It is the intent of this resolution to permit non-conforming uses that were established as lawful uses before this resolution was passed or amended, to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, if to be used as ground for adding other structures or other uses prohibited elsewhere in the same district.

1. NON-CONFORMING LOTS: In any district in which single -family dwellings are permitted, not with standing limitations imposed by other provisions of this resolution, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this resolution, or any amendment thereof. Such lot must be separate ownership and not have continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots, or combinations of lots and portions of lots, with continuous frontage in single ownership are of record on the effective date of this resolution, or any amendment thereof, and if all or part of the lots do not meet the requirements for lot width and area as established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this resolution; nor shall any division of the parcel be made which leaves remaining any lot with or area below the requirement stated in this resolution.

3. **NON-CONFORMING USES OF LAND:** Where, at the effective date of this resolution, or any amendment thereof, lawful use of land exists that is made no longer permissible under the terms of this resolution as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provision.

- No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this resolution, or any amendment thereof;
- No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this resolution, or any amendment thereof;
- If any such non-conforming use of land ceases for any reason for a period of two (2) years or more, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

4. **NON-CONFORMING STRUCTURES:** Where a lawful structure exists at the effective date of this resolution, or any amendment thereof, that could not be built under the term of this resolution by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) years or more, the structure, or structure and premises in combination, shall thereafter be used except in conformance with the regulations of the district in which it is located.

B. SECTION: 6 NON-CONFORMING USES –(CONTINUED)

- C. Where non-conforming use status applies at the time this resolution takes effect, to a structure, or structure and premises in combination, which is destroyed by fire or the elements, it may be reconstructed or restored providing same is done within two (2) years from the date of destruction.

- D. Where non-conforming use status applies to a structure and premises in combination, removal of the structure or failure to reconstruct or restore the structure shall eliminate the non-conforming status of the land.

5. MANUFACTURED HOME PARKS: Manufactured home parks, which are non-conforming use hereunder, shall be treated as follows:

- A. Existing manufactured home parks which have no separate concrete pads and separate sanitary facilities for each manufactured home shall not permit a vacated manufactured home spot to be filled until such facilities are installed.

- B. Existing manufactured home parks with satisfactory facilities defined above may expand facilities for parking manufactured homes up to twenty-five percent (25%) of the parking spots in said manufactured home park at the time this resolution takes effect and shall otherwise conform to the requirements of Section 4H.

6. MANUFACTURED HOMES:

- A. When a non-conforming manufactured home has been removed from a parcel of land or lot where it was stationed, no other manufactured home shall be permitted to be stationed upon said land or lot, unless there is a replacement and continued use of such manufactured home space upon the same land or lot by the same owner of said land and manufactured home, and then only if such new manufactured home is of equal or more value than the replaced manufactured home. This section shall not apply to manufactured home parks.

- B. In any area where manufactured homes are permitted, there shall be no more than one (1) manufactured home situated on any one (1) lot. All manufactured homes and other moveable enclosures must conform to the building setback line requirements as indicated in Section 14 through 18.

7. ZONING PERMIT REQUIREMENTS: For any renewal, reconstruction, enlargement, or other change of any non-conforming use, the owner of the premises must make an application to the Township Zoning Inspector for a zoning permit.

SECTION 7: OUTDOORS ADVERTISING

1. SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT:

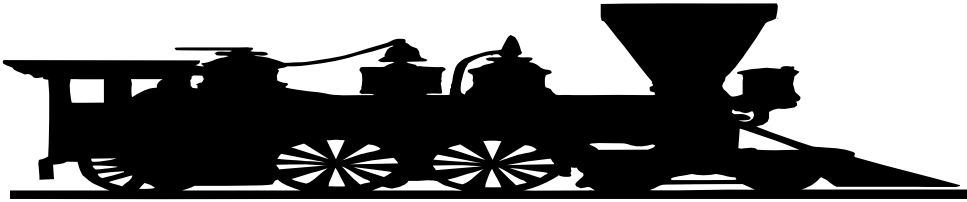
- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- B. Professional name plates not to exceed four (4) square feet in the area;
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
- D. Where Conditional Zoning Certificates have been granted in Residential 1(R-1) and Residential 2 (R-2) Districts, Signs not to exceed six (6) square feet. (Motion 018-10)

2. ALL OTHER OUTDOORS AVERTISING: Shall be classified as a business use and shall be permitted in all C and I Districts and on all lands used for agricultural purposes subject to the regulations contained in the Resolution.

- A. No signs shall be placed in a public right-of-way.
- B. An outdoor advertising sign or billboard, other than those mentioned in paragraph “A” in this section shall be deemed a structure and shall require a zoning certificate before being erected, constructed, or replaced.
- C. Any outdoor advertising sign in a commercial or industrial district may be set out to, but not within the road right-of-way, provided said sign is not so located as to constitute a nuisance to the adjacent property owner.
- D. No outdoors advertising sign, except those mentioned in Paragraph 1A and (C) in this section shall be located within one hundred (100) feet of any intersection unless affixed to a building.
- E. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway, or cause a nuisance to the neighbors.
- F. All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct view or cause a traffic hazard.

SECTION 7: OUTDOORS ADVERTISING Cont...

- G. Any sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light of such sign any colors appearing in the traffic control signal.
- H. No outdoors advertising sign or billboard shall be erected, of more than six hundred and fifty (650) square feet in area. Sign areas, as set forth in this paragraph, shall be measured at the extremities of the sign.
- I. Any outdoor advertising sign or billboard, except those mentioned in Paragraph 1A or (C) of this section, shall conform to the minimum setback line or existing building line scheme of said street or road.



SECTION 8: PUBLIC UTILITIES AND RAILROADS

This Resolution shall not apply to public utilities and railroads, except that the provisions of this Zoning Resolution shall fully apply to the location, erection, maintenance of all wireless communications towers to the extent permitted in Section 519.211 Ohio Revised Code (ORC) or any amendment thereto or successor statute permitting the regulation of said wireless communications towers, structures, and/or devices.

SECTION 9: MINIMUM LOT AREA PER FAMILY

1. SEWER AND WATER CONNECTIONS:

- A. No person shall occupy or use any house, building, or property constructed after the effective date hereof for human occupancy, employment, recreation, or other purpose unless and until toilet facilities in such house, building or property are connected to private or public sanitary sewer as approved by the Trumbull County Board of Health and/or the Ohio Environmental Protection Agency. No owner of such house, building, or property shall permit or suffer any person to occupy or use the same unless and until such connection is completed.
- B. The Zoning Inspector is hereby prohibited from issuing a zoning permit for the construction of any house, building, or property used for human occupancy, employment, recreation, or other purpose unless and until plans; approval by the Trumbull County Board of Health and/or the Ohio Environmental Protection Agency showing approval of toilet facilities and sewer in such house, building, or property to a public sanitary sewer or an approved private on-lot sewer system.
- C. Any change of use of any existing house, building, or property used for human occupancy, employment, recreation, or other purpose shall require sanitary facilities approved by the Trumbull County Board of Health and/or the Ohio Environmental Protection Agency as required in the preceding paragraph.
- D. Proper approved water services shall be furnished to each house, building, or property and are required to have an approved private or public sanitary sewer connection.

2. AREAS SERVED BY SEPTIC SEWER SYSTEMS:

- A. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twenty thousand (20,000) square feet of lot area, unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform with this Resolution.
- B. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one-family on less than fifteen thousand (15,000) square feet of lot area per family.
- C. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one-family for each fourteen thousand (14,000) square feet of lot area.

**SECTION 9: MINIMUM LOT AREA PER FAMILY -
(CONTINUED)**

- D. In computing lot areas, property within the road or street right-of-way may not be included, in spite of the fact that lot owner holds title to the same.
- E. In all instances covered in subsection; A, B, C, and D of this section wherein a septic tank is installed, county and state health codes regarding land area requirements must be met.**
- F. No lot shall be divided or reduced in size or area so that its dimensions would fall below the minimum requirements of this Resolution in regard to lot area, width, or setback lines.

3. AREAS SERVED BY SEWERS CONNECTED WITH APPROVED SEWAGE DISPOSAL PLANTS:

- A. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twelve thousand (12,000) square feet of lot area, unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform with this Resolution.
- B. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one-family on less than sixteen thousand (16,000) square feet of lot area per family.
- C. No apartment house or living quarters over a business establishment in a “C” District shall be erected or building altered into apartments to accommodate more than one-family for each seven thousand five hundred (7,500) square feet of lot area.

All apartment/condominium multi-family developments on a site containing not less than five (5) acres of land shall conform to a minimum of six thousand seven hundred and ten (6,710) square feet of land per dwelling unit, and shall not exceed a maximum of 6.5 dwelling units per acre. The entire site area in a RA development shall be considered in applying the lot area requirements per unit under the provisions as provided for in this Resolution.

There shall be a rear and/or side yard depth requirement of a minimum of thirty (30) - feet plus a buffer zone of thirty (30) - feet for every lot that abuts an R-1 or R-2 zone or any other area containing residential dwelling. Also, there shall be a minimum of thirty - (30) feet of open space between all buildings on the site.

SECTION 9: MINIMUM LOT AREA PER FAMILY - (CONTINUED)

D. On lots of less than five (5) acres, the minimum requirements of lot area per unit shall be as follows:

- 1 Unit = 12,000 square feet
- 2-5 Units = 8,000 square feet per unit
- Over 5 Units = 7,500 square feet per unit

Adequate off-street parking shall be provided, namely, two and one-half (2 ½) parking spaces for each apartment/condominium unit.

SECTION 10: MINIMUM LOT WIDTH

No dwelling shall be erected in a R-1 or R-2 District on a lot having frontage of less than eighty (80) feet at the building line for lots served by central sewage disposal plants, and one hundred (100) feet at the building line for lots served by individual septic systems unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to comply with this requirement. No dwelling shall be erected in a RA District on a lot having frontage of less than one hundred (100) feet at the building line. No minimum lot width shall be required in a "C" or "I" District for uses other than dwellings except such as is necessary to comply with the requirements for yards and lot areas or parking facilities.

SECTION 11: EROSION AND SEDIMENT CONTROL

The landowner is required to install storm drainage tile along the right-of-way for all new residences according to standards prescribed by the Bazetta Township Highway Department.

PURPOSE AND INTENT

The purpose of these regulations is to set up officially realistic and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.

These regulations are intended to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

REQUIREMENTS AND APPLICATION PROCEDURES

- A. Two (2) sets of a Erosion and Sediment Control (ESC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.
- B. ESC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than one (1) acre of land area.
- C. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Trumbull County Erosion and Sediment Control Rules.
- D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

SECTION 11: EROSION AND SEDIMENT CONTROL -Continued

- E. The zoning inspector shall review the ESC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector shall advise applicants that the ESC Plan may be forwarded to the Trumbull SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the **Trumbull County Erosion and Sediment Control Rules**. At the time the zoning inspector receives a revised Plan, another thirty- (30) day review period shall begin.
- F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without an *ESC Plan approved by the zoning inspector in accordance with these regulations*.
- G. Any addition or alternation to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Trumbull SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.

Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the lot owner. These permits may include, but are not limited to, the following:

- A. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.

SECTION 11: EROSION AND SEDIMENT CONTROL -Continued

- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and Army Corps of Engineers at the time of application of the regulation.
- C. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found o waters of the State. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an individual Permit is required for the development project, public notice, or project approval. If any Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. *This shall include one of the following:*
- A letter from the lot owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.
 - A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.
- E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

SECTION 12: MINIMUM FLOOR SPACE

DEVELOPMENT STANDARDS FOR RESIDENTIAL DWELLINGS:

1. There shall be a minimum living area per dwellings unit of not less than one thousand two hundred (1,200) square feet for any single or two-family dwelling exclusive of basement, porches, garages, and breezeways.
2. The minimum living area per residential structure in excess of a two-family dwelling (including condominium units) shall be not less than one thousand (1,000) square feet exclusive of basement, porches, garages, and breezeways.
3. No overall dimension of any size of a primary residential structure exclusive of basement, porches, garages, and breezeways, shall be less than twenty-five (24) feet.
4. For any structure designed for single family living, there shall be constructed a continuous perimeter frost-free foundation, permitted and inspected by the Trumbull County Building Department at the time of the construction or installation of the structure.
5. No structure shall be occupied as a dwelling unit until such time as approved water and sewer facilities are installed, approved, and working to the residential structure.

SECTION 13: COMPOSITION OF BUILDINGS

- A. All structures in all districts except dwellings shall be constructed in accordance with the Ohio State Building Code and/or Trumbull County Building Code requirements for the structure and evidence of State or County approval of plans must be submitted with the request for a Zoning Permit Certificate.
- **A-1.** In all C-1, C-2, C-3, and I Districts, mobile units are prohibited for temporary or permanent structures for occupancy as business or industrial uses. (Adopted April, 1988)
- B. A building or structure moved upon a parcel of land in Bazetta Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in the Resolution before said building or structure is occupied or used.
- C. No Zoning Certificate for structures that require a Sanitary Permit from the Trumbull County Health Department may be issued until proof is presented to the Bazetta Township Zoning Inspector that the applicant has obtained from the Trumbull County Health Department a Sanitary Permit or letter of application.
- D. Structures which are factory built, meeting the requirements of allowed structures in R Districts, are permitted structures under this Resolution provided they meet the following additional specifications and definition for industrialized units.
- **INDUSTRIAL UNIT:** The assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient, or substantially self-sufficient, and when installed, constitutes the structure or part of a structure, except for preparations for its placement, and such industrialized units comply with the procedures for acceptability under sections of the Trumbull County Building Code, Ohio Building Code, and contained in Amendments January 4, 1971, entitled Group XXXVII Amendments, or Amendments thereto, and further, the industrialized unit must be located on an individual lot upon a permanent foundation in compliance with this Resolution.
- E. **FIRE PREVENTION REQUIREMENTS:** Prior to the issuance of a Bazetta Township Building (Zoning) Permit, all contractors, builders, or architects shall make all plans and specifications for construction available for review and for approval by the Bazetta Township fire official. At this time, an application for an occupancy permit shall be filed with the fire official and all fees shall be paid in full. The fire official shall enforce all provisions of the Ohio Basic Building Code and the Ohio Fire Code relating to fire prevention and safety. This requirement shall only pertain to structures of assembly, business, factory, and industry, high hazard, institution, mercantile, residential, multi-family, storage, and temporary, all which are defined by the Ohio Basic Building Code.
- F. **SMOKE DETECTORS:** Early warning smoke detectors shall be required within residential and non-residential establishments within the township, as stated according to the Bazetta Township Fire Code.

SECTION 14: SETBACK BUILDING LINES

- A. No part of the ground area of any building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any road or street except in areas served by an approved sewage disposal plant where this distance may be forty (40) feet. If there is no established right-of-way for a road or street, said line shall be deemed to be thirty (30) feet from the center of the road.
- B. In areas where there is now existing a building line scheme of a different dimension than mentioned in Paragraph "A," the property owner will be required to conform to said existing building line scheme.
- C. Further, setback lines must conform to local, county, or state highway specifications.
- D. All private swimming pools shall be treated as accessory buildings for the purpose of the Bazetta Township Zoning Resolution and must conform to the building setback lines, as required by Section 14 through 18.

SECTION 15: SIDE YARDS

- For every building or dwelling erected in R-1 or R-2, except accessory buildings, there shall be a minimum side yard on each side of said building or dwelling of not less than ten (10) feet. For every building or dwelling erected in an RA District, there shall be a minimum of thirty (30) feet between all buildings or dwellings.
- Attached garages or accessory buildings permanently connected with the main building shall be construed to be a part of the remaining building for the purpose of this section. Any garages or accessory buildings not connected with the main building, but located within twenty (20) feet from such main building shall be subject to the side yard clearance as indicated in this section.
- In R-1 or R-2 Districts any garages or accessory buildings not connected with the main building, but located twenty (20) feet or more away from such main building, may be erected not less than five (5) feet from a side lot line, unless built upon a corner lot, in which case such building shall be subject to side yard clearance as indicated in Section 16.
- In R-1 or R-2 Districts any garage or accessory building, or main building, or dwelling, whether attached to the main building or not, shall not be erected any closer than twenty (20) feet from any existing residence on adjacent property.
- No side yard clearance shall be required for commercial or industrial building in C or I Districts; provided however that such buildings abutting residential districts or residential dwellings, the side yard clearance as set forth above in this section shall be applicable to such buildings.

SECTION 16: CORNER LOTS

- A. The setback building line scheme on a corner lot shall be in accordance with Paragraph “A” of Section 14: Setback Building Lines.
- B. The side yard clearance on the side street shall be at least fifty (50) percent of the front setback line as provided in Paragraph “A” of Section 14: Setback Building Lines.
- C. Accessory buildings shall not be located on corner lots so as to cause a nuisance to adjoining property owners, and the wall of an accessory building may not be closer to the side road or street than the wall of the main building.

SECTION 17: REAR YARDS

- There shall be a minimum rear yard of forty- (40) feet for any lot in a R-1 or R-2 zone. There shall be a minimum rear yard if thirty- (30) feet for any lot in a RA zone. For every building erected in any district there shall be a minimum rear lot clearance at the rear of said building of at least ten (10) feet, which space shall remain open and unoccupied by any building or structure.

SECTION 18: REAR HOUSES

- (NO REAR HOUSES PERMITTED AFTER AMENDMENT OF 11/18/96)

SECTION 19: PARKING FACILITIES

1. **All single family or two family dwellings** as described in “Classification of Uses” R-1 and R-2 Districts (Residential), shall provide off-street parking facilities with means of ingress and egress thereto for not less than two (2) motor vehicles per dwelling unit. Each parking space shall be a minimum of nine (9) feet in width and a minimum of twenty (20) feet in length.

2. **All C-1, C-2, and C-3 (Commercial) uses** shall provide off-street parking facilities outside public right-of-way and not more than five hundred (500) feet distance from the entrance to said establishment of an area for parking motor vehicles as provided in the following schedule:

- A. **Theaters, auditoriums, churches, stadiums, and other places of assembly:** One (1) parking space for each 3 seats or people to be accommodated.
- B. **Dance halls, lodge halls, skating rinks, swimming pools, etc:** One (1) parking space for each one hundred (100) square feet of area used for such activity.
- C. **Bowling Alley:** Five (5) parking spaces for each bowling lane.
- D. **Medical Building for physicians, dentists, and optometrists:** One (1) parking space for each one hundred (100) square feet of office space.
- E. **Hospitals:** Two (2) parking spaces for each patient bed.
- F. **Retail stores, banks, service establishments, and other office buildings:** One (1) parking space for each two hundred (200) square feet of floor area.
- G. **Restaurants, taverns, etc. (not including drive-in restaurants):** One (1) parking space for each one hundred (100) square feet of floor area, or for each two (2) seats, whichever results in the greater number?
- H. **Hotels or motels:** One (1) parking space for each room or living unit.
- I. Additional parking spaces shall be applicable and provided for business or services operated in conjunction with the main use.
- J. All parking spaces shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet (except for handicapped spaces as required by law) exclusive of area for maneuverability and ingress and egress. All parking spaces shall be paved with blacktop or concrete and have adequate drainage for surface water.

SECTION 19: PARKING FACILITIES - (Continued)

- K. For a specific use or building not scheduled above, the Zoning Inspector shall apply the unit measurement from the above schedule deemed most similar to the proposed use or building.

3. All structures as described in Section 4C, RA District, shall provide off-street parking outside public right-of-way parking facilities. This off-street parking is to be on the lot allocated to each particular building as follows:

- A. Two and a half (2 ½) parking spaces for each dwelling units for visitor parking.
- B. One parking space for each three (3) dwelling units for visitor parking.
- C. In addition thereto, in all districts, shall be provided parking space for each employee of the business or use.
- D. In all districts, minimum requirements of off-street parking applicable to any use or building, shall continue unchanged in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of parking spaces is provided for said in another approved location. All parking spaces shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet exclusive of area for maneuverability and ingress (way in) and egress (way out).

- 5. **Access ways to Parking Areas:** The location and width of entrance and exit driveways to parking areas shall be planned so as to not interfere with the use of adjoining or nearby property and with pedestrian and vehicular traffic on the adjacent streets.

5. Off-Street loading and unloading Area:

- A. Loading and unloading off-street facilities and standing space shall be provided for all business and commercial enterprises hereafter erected or altered for such use. The entire area of such facility shall be located to the rear of the setback building line scheme that is applicable or has been established for the street or road on which it is located. Said facility shall be of such size as to accommodate any truck or vehicle of a size generally serving said business or enterprise.
- B. At least one (1) off-street loading and unloading facility shall be provided each use or building devoted to any business or commercial enterprise having a building floor space or use space of fifteen thousand (15,000) to twenty-five (25,000) square feet.

SECTION 19: PARKING FACILITIES - (Continued)

- C. One (1) additional facility shall be added for each additional twenty thousand (20,000) square feet of building floor space or use space or fraction thereof; said off-street loading and unloading facilities should be maintained as long as the building or use is maintained.
- D. Detailed plot plans of off-street parking and/or loading and the Zoning Inspector shall submit unloading facilities for approval before an application for a zoning permit is approved. Such plot plans shall show number of parking spaces and/or loading and unloading facilities and locations, dimensions, and description set forth in the several sections of this Zoning Resolution.

SECTION 20: SATELLITE DISHES

1. Supplemental to R-1 and R-2 (Residential) Areas:

- A. Satellite dishes (microwave antennas) shall fall under the heading of accessory structures.
- B. Portable and fixed antennas shall be treated equally.
- C. These antennas must be placed in the rear yard at least five (5) feet from the side and rear yard property lines.
- D. Antennas thirty- (30) inches in diameter shall not be elevated more than three (3) feet above existing ground level.
- E. Antennas thirty- (30) inches in diameter and smaller may be placed on a tower, but shall not be elevated more than twenty (20) feet from existing ground level.
- F. Antennas placed on a tower must be located the same distance inside the rear and side lot property lines as the height of the tower.
- G. Antennas thirty (30) inches in diameter and smaller placed on the roof must be mounted on a are base using a minimum of four (4) quarter inch diameter bolts spaced at a distance equal to the diameter of the antenna.
- H. Wire connections from antennas larger than thirty 30) inches in diameter to the home must be conduit and at least six (6) inches underground.

2. Supplemental to Commercial Areas:

- A. Antennas may be placed in the front yard, but must be at least half the distance of the setback line from the front property line and at least five (5) feet from the side property line.
- B. Antennas placed in parking lots must not decrease the parking spaces below the requirements of Section 19, Off-Street Parking.
- C. Antennas may be placed on roofs or towers
- D. All roof and tower mounted antenna installations over thirty (30) inches in diameter shall have the stamped approval and seal of a Professional Engineer stating said structural design is safe.
- E. Antennas larger than thirty- (30) inches in diameter shall not be elevated more than ten (10) feet from ground or roof level.

SECTION 21: GARAGE SALES

Garage sale means a sale held by a property owner or renter of property in a garage, on a driveway or parking lot, porch, attic, or lawn, but not in the living area of any property.

1. General regulations:

- A. Sale items to be used shall be household items such as furniture, tools, glassware, clothing, or other possessions of the person holding the sale.
- B. No person shall have more than two (2) sales per calendar year, nor shall any such sale be longer than a period of three (3) days.
- C. Each person having such sale shall record the days of the sale with the Zoning Inspector, who shall maintain records of sales and determine that each sale has ended as stated.

2. License Required:

- No person shall operate, maintain, or conduct a garage sale, as defined in this section within Bazetta Township without first having obtained from the Zoning Inspector a license permitting the same.

3. License Fee:

- A. Any person operating, maintaining, or conducting a garage sale, as defined in this section, shall before such sale is held pay to the township the sum of (Please see Annual Fee Schedule) **per garage sale**.
- B. Any person conducting a garage sale for which a license is required under this section who has failed to secure a license before such sale has begun shall be required to pay the sum of **ten dollars (\$10.00) per day for each day of such sale**.

SECTION 21: GARAGE SALES Cont...

4. Penalty

- Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day any violation occurs or continues shall constitute a separate offense.

SECTION 21B: FENCE REGULATIONS

No fence shall be erected or located on residential property without filing an application for and receiving a zoning certificate. A fee (Please see Annual Fee Schedule) shall be paid upon granting of a fence permit.

A privacy or decorative fence may be erected a/or located on a residential property lot in accordance with the following conditions:

- The fence must be set back at least two (2) feet from the property line of all adjacent properties or road right of way and be maintained by the property owner as to not constitute a nuisance.
- No fence shall be erected in the side yards to adjacent property owners extending from the building set back line to the road right of way.
- No fence shall exceed a maximum height of six (6) feet from the lot grade.
- No fence shall be erected which obstructs the visibility of approaching traffic at intersections or adjacent property owner's driveways.
- The color, texture or structure of the fence shall be consistent on both sides of the fence, and if not finished on both sides, the finished side of the fence shall be placed as to face the adjacent property owner's lot.
- All fences shall be constructed of standard fencing material and made of good quality and durability.

SECTION 21B: FENCE REGULATIONS-

(CONTINUED)

- A decorative landscaping fence may be located in front of a residential dwelling provided that it not exceeds three (3) feet in height and that it not obstructs the visibility of approaching traffic at intersections or adjacent property owner's driveways.
- No fence shall be constructed as to prevent access to public utility meters.
- Barbed and or Razor wire are prohibited.
- Electric fences are prohibited, except as agricultural use partition fence as permitted under the appropriate section of the Ohio Revise Code Fence Laws.
- Snowdrift fencing shall only be used for retaining snowdrifts and shall only be permitted during the snow season November 1st, through April 1st.
- Chicken Wire Fencing is prohibited, except for strictly agricultural purposes.

SECTION 22: BOARD OF ZONING APPEALS

There is hereby created by the Board of Township Trustees a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the township-included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary.

The Board of Zoning Appeals serves in the capacity of a “quasi-judicial” administrative zoning review board. The Board of Zoning Appeals is authorized to exercise three types of review as provided in the Ohio Revised Code, being: Appeals, Variances, and Conditional Uses.

The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning laws or of this Resolution or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution:

- A. As will not be contrary to the public interest;
- B. So that the spirit of the resolution shall be observed and that substantial justice is done;
- C. Where owing to special conditions, a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship as defined in Paragraph E herein this Section.
- D. A variance shall be authorized only for height, area, size, or location of structures, yards, and open spaces.

SECTION 22: BOARD OF ZONING APPEALS.

(Continued)

3. Standards for granting of variances.

- A. A variance shall not be granted for the purpose of enhancing the economic value of the property.
- B. The hardship must result from unique circumstances affecting a piece of land, not from a general condition throughout the neighborhood. For example, a request for a variance to allow a commercial use of property in a residential district because it is adjacent to commercially zoned property should subsist denied.
- C. A variance must not alter the essential character of a neighborhood.
- D. It is not sufficient to show that the effects of a variance would be harmless. The applicant must still establish real unnecessary hardship.
- E. Any hardship must result from the requirements of the Zoning Resolution and not from the applicant's own actions. For example, a variance request is properly denied when the applicant knowingly bought a parcel of land too small for his intended use of the land.
- F. A variance shall not be contrary to the public interest. Even if a hardship can be established.
- G. A variance shall not be granted to permit any use otherwise prohibited in the zoning district by this Zoning Resolution. A variance cannot be used as a substitute or alternative to a zone change request, which is the sole responsibility of the Township Zoning Commission and Township Trustees.

SECTION 22: BOARD OF ZONING APPEALS-

(Continued)

6. **To grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution.**

In exercising the above-mentioned powers, such Board may, in conformity with the provisions of law and this Resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from, and may make such order, requirement, or determination, as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

The Zoning Board of Appeals shall impose such conditions and restrictions on the grant of a variance so that the proposed use will be compatible with and not detrimental to the surrounding properties and limited to the use as granted.

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provision of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or if absent, the acting Chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All Meetings of the Board of Zoning Appeals shall be open to the public. The Board 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 examinations and other official actions, all of which shall immediately be filed in the officer of the Board of Township Trustees and shall be public record.

Appeals to the Board of Zoning Appeals, upon forms provided by the Zoning Inspector, may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon from which the action appeal was taken.

SECTION 22: BOARD OF ZONING APPEALS.

(Continued)

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers or general circulation in the county at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

The filing of an appeal from any decisions of the Bazetta Township Zoning Inspector with the Bazetta Township Board of Zoning Appeals shall suspend any action by the Zoning Inspector or other authority in a court of competent jurisdiction to enforce the provisions put in question by said appeal, except that the Bazetta Township Zoning Inspector may bring an action in injunction to enjoin the appellant from further construction or use during the pending of his appeal.

Any appeal which has been resolved by the Bazetta Township Board of Zoning Appeals may not be refilled, nor will said Board entertain the same within six (6) months from the time of the resolution of the original appeal.

Upon the grant of a variance or relief as adopted by the Board of Zoning Appeals, the property owner shall obtain a permit from the Zoning Inspector and pay all required fees.

Any further changes of the Ohio Revised Code will automatically apply to the procedure written herein and supersede the same.

SECTION 23: ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector and such assistants as may be determined necessary, shall be appointed by the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, locating, changing use of, or altering any buildings, including accessory buildings, or changing the use of any premises, application shall be made to the Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed locations and dimensions, of the building and the proposed use, all of which shall be included in the permanent record of applications. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the proposed construction, alteration, or change of use by the application is accompanied by the proper fee, or shall refuse the same if it does not comply.

In the event of an emergency, including fire, windstorm, flood, or other act destroying totally or partially a dwelling house, building, or structure, making the same uninhabitable or unusable, the Zoning Regulations herein may be temporarily suspended insofar as they may apply, at the discretion of the Zoning Inspector, by permitting a temporary structure to be used in the place of such destroyed building while the destroyed building is being repaired or replaced. Under said conditions, the Zoning Inspector may permit the use of tents, trailers, or buildings for a maximum of no more than six (6) months.

A Zoning Certificate when obtained by an applicant shall not be transferred to another person or to another property and the fee paid therefore shall be non-refundable.

A Zoning Certificate shall expire at the end of ninety- (90) days from the date of issuance, and unless construction, location, change the use of, or alteration of any building or premises is not commenced within said ninety (90) day period, a new application for another for another Zoning Certificate must be made to the Township Zoning Inspector. For any renewal, reconstruction, enlargement, or other change of any non-confirming use, the owner of the premises must make an application to the Township Zoning Inspector for a Zoning Certificate.

It shall be the sole responsibility of the record owner of the real estate to secure any permit required in this Zoning Resolution, regardless of any private contract, lease, or agreement to the contrary. Enforcement of this Zoning Resolution shall be against the record owner of the real estate.

SECTION 23: ZONING CERTIFICATE (continued)

Zoning Certificate Fees:

The following fees shall be paid prior to the issuance of a zoning certificate. Such fees are for the purpose of defraying the cost of inspection, certification, and maintenance of the necessary records, and may be altered from time to time by a majority vote of the Township Zoning Commission to meet existing conditions and costs.

New Construction, Additions, or Alterations:

- Residential, Commercial, Industrial, Manufactured Homes, Manufactured Homes Park; Fee to be determined by the following formula: (Please see Annual Fee Schedule)

- -Square foot of building, Addition, Alteration x \$ x .0025= fee
Example: 2000 Sq. Ft .x \$45= 90,000 x .0025=\$225 fee

- Garage – non habitable; formula:
-Square foot of Garage x \$ (Minimum value \$6,000) x .0025= fee

- Agricultural, Section 3, Paragraph A — (Please see Annual Fee Schedule)
- (Building prints must be supplied at time of permit application)

Appeals to Board of Zoning Appeals:

Whenever an appeal is filed with the Board of Zoning Appeals and seeking a variance or claim of special exception, the Appellant needs to deposit with the Board (Please see Annual Fee Schedule) in the form of cash, money order, or certified check. Such deposit is necessary to pay for the expense of processing such appeal. Upon final resolution of the appeal, costs shall be charges and a refund made if costs do not exceed the deposit. The preparation of the record before the Board of Zoning Appeals, including the official papers for further appeal by the Appellant, shall be included.

Conditional Zoning Certificate Fee:

A fee of (Please see Annual Fee Schedule) shall be paid upon submission of request for a Conditional Zoning Certificate. The fee for conditional use permit for an Adult Entertainment Business shall be (Please see Annual Fee Schedule) for filing and an annual renewal fee of (Please see Annual Fee Schedule.)

Outdoor Advertising:

Signs or billboards for which permits are required: (Please see Annual Fee Schedule)

SECTION 23: ZONING CERTIFICATE-(Continued)

Industrial:

No charge for new siding and roofing.

Churches, Schools:

No fee shall be required for the construction or alteration of a church, synagogue, public or private schools.

Manufactured Homes, Manufactured Home Parks:

Prior to any manufactured home being located on a lot or replaced by another, the owner of the real estate shall apply to the Bazetta Township Zoning Inspector for a permit to make such a replacement. The fee shall be (Please see Annual Fee Schedule) regardless of valuations whether involving non-conforming manufactured homes, manufactured home parks, or MH Districts.

Miscellaneous:

Owners shall obtain a zoning certificate before new construction, additions, or alterations have been started. Owners shall properly display zoning certificate card in a manner, which is clearly visible from the street. The above said fees for zoning certificates shall be doubled when issued after construction, additions, or the owner has started alterations.

A receipt for all monies paid by the applicant for a zoning certificate shall be issued by the Township Zoning Inspector, and said monies shall be turned over to the Township Trustees for proper disbursement according to law.

This Resolution shall not be interpreted as interfering with, abrogating, or annulling any ordinances, regulations, resolutions, or permits previously adopted or issued by the Bazetta Township Trustees except where such ordinances, regulations, resolutions, or permits are in conflict with this Resolution or amendments hereto, in which event this Resolution or amendments hereto shall prevail.

SECTION 23A: ADULT ENTERTAINMENT BUSINESSES

Bazetta Township has adopted Adult Entertainment Business regulations as specified herein in order to protect the public health, safety, and welfare by minimizing negative secondary effects known to be associated with Adult Entertainment Businesses (see Section 30, Definitions) such as the spread of communicable diseases, reduction in property values; diminishing of the character and quality of residential neighborhoods; increase crime, degeneration of social and moral order, and the diminishing or destroying the use of public facilities, particularly those facilities used by children or those used for religious purposes.

These regulations are designed to permit adequate opportunity for the expression of constitutionally protected free speech associated with Adult Entertainment Uses, while protecting the public interest.

Where there is a conflict between the requirements of this section and any other section of these Bazetta Township Zoning Resolutions, the requirements of this section shall prevail.

Adult Entertainment Businesses shall be considered to be conditionally permitted uses and shall require a Conditional Zoning Certificate issued by the Bazetta Township Board of Zoning Appeals at a public hearing in accordance with the requirements specified herein.

Adult Entertainment Businesses may only be located within Industrial (I) zoning districts. Adult Entertainment Businesses shall be required to meet all Industrial (I) zoning district building, parking setbacks, and sign requirements.

No building or property occupied by an Adult Entertainment Business may be located closer than five hundred feet (500) to a residence, residential subdivision, residentially zoned land, church, school, public playground, Public Park, library, government office, or another Adult Entertainment Business.

(Please refer to Section 30: Definitions)

SECTION 24: AMENDMENTS

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement upon forms supplied by and with the Township Zoning Commission. The Board of Township Trustees shall, upon passage of such resolution, certify it to the Township Zoning Commission.

All applicants for a zoning classification amendment or supplement, except those initiated by motion of the Township Zoning Commission or Board of Township Trustees, when filed shall be accompanied by a deposit of (Please see Annual Fee Schedule) in the form of cash, bank check, money order, or certified check. Such deposit is necessary to pay for the expense of processing such applications. Upon completing the processing of such application, if the fixed expense plus the variable expense (publication costs, postage, etc...) do not require the entire deposit, then a refund of the difference shall be made to the applicant. The failure of an applicant to present a deposit at the filing will result in the rejection of the application by the Zoning Commission.

Upon the adoption of such motion, or the certification of such Resolution, or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution, or the date of the adoption of such motion, or the date of the filing application. The Township Zoning Commission shall give notice of such hearing by one publication in one or more newspapers of general circulation in the township at least the (10) days before the date of such hearing.

If the proposed amendment or supplement intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owner of property within and contiguous to, and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditor's current tax list, or the Treasurer's mailing list, and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or Regional Planning Commission and to the Board of Township Trustees as the case be.

Within five (5) days after the adoption of such motion or the certification of such Resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto the Trumbull County Planning Commission.

SECTION 24: AMENDMENTS – (Continued)

The Trumbull County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereto, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or Resolution, the text and map pertaining thereto, and the recommendation of the Trumbull County Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. The Board shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing, the board shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Township Zoning Commission, the majority vote of the board shall be required. (unanimous to majority, Motion 016-10)

Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township, or part thereto included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

Any future changes of the Ohio Revised Code will automatically apply to the procedures written herein and supersede the same.

SECTION 24: AMENDMENTS- (Continued)

Any petition for a change of zoning classification resolved by the Bazetta Township Zoning Commission or the Bazetta Township Trustees may not be refilled, nor will said Boards entertain the same, within six (6) months from the time of the Resolution of the original petition.

The Bazetta Township Zoning Commission shall hold four (4) regular meeting per year and the same shall be held as follows:

1. Within the first ten (10) days of January of each year;
2. Within the first ten (10) days of April of each year;
3. Within the first ten (10) days of July of each year;
4. Within the first ten (10) days of October of each year.

SECTION 25: ENFORCEMENT

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain, or use any building or to use any land in violation of any regulation or any provision of this Resolution or amendment thereto. Any person, firm, or corporation violating this Resolution or any regulation, provision, or amendment thereto shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
2. 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 law or of this Resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of this county, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION 26: INTERPRETATION

1. In interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.
2. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules and regulations other than zoning regulations adopted or issued pursuant to law relating to the construction and use of buildings or premises.
3. Where this Resolution imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easement, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this Resolution.

SECTION 27: VALIDITY

1. Each section, subsection, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional or ineffective for any cause shall not affect, nor render invalid the Resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.

SECTION 28: GAS AND OIL WELL REGULATIONS

To comply with the recent amendment of Section 1509.02 of the ORC, granting sole and exclusive authority to the Chief of the Division of Mineral Resource Management-Oil & Gas, to **“regulate the permitting, location, and spacing of oil and gas wells within the state...”**

Current Zoning Resolution Text pertaining to the permitting and regulation of gas and oil well drilling within the township should be amended to:

Delete in its entirety the current gas & oil zoning regulations and adopt in its place the following:

GAS & OIL WELLS

Any person or entity locating, constructing or erecting a gas or oil well within the unincorporated area of the Township shall strictly comply with Title [15] XV, Chapter 1509 Ohio Revised Code and amendments thereto.

SECTION 29: REGULATION OF TEMPORARY MASS GATHERINGS

Bazetta Township deems it necessary and appropriate to regulate mass gatherings as herein defined. The following standards shall apply to such mass gatherings:

1. Temporary mass gathering is defined as any gathering of more than two thousand (2,000) persons at a single time not sponsored by the state or any of its political subdivisions.
2. Temporary mass gatherings in such numbers shall be permitted only in “C-3” (Commercial) or “I” (Industrial) Districts in Bazetta Township.
3. The owner of the property and the promoter of the event shall file an application for a permit on forms prepared by the Zoning Inspector not less than thirty (30) days prior to the intended date of performance or performances in a form required by the Bazetta Township Zoning Inspector.
4. The information submitted with the permit shall adequately provide for a traffic plan a noise plan and a sanitary plan to meet the anticipated needs of traffic and people arising from the reason for the mass gathering. The various traffic, noise, and sanitary plans shall be submitted to the Fire department and the Police Department of the Township, and the Trumbull County Board of Health in order to determine compliance with the Township Resolution and such other regulations as may apply to such activity.
5. Temporary mass gatherings in the number of people provided for herein shall not exceed eight (8) hours duration, and shall not extend beyond 10:00 PM of the day of the event.
6. Temporary mass gatherings, when it is anticipated that more than five thousand (5,000) people shall be in attendance, shall comply with the Trumbull County Health Department requirements for mass gatherings.
7. The plan for routing traffic to and from the event shall be prepared in order to expedite the flow of traffic, and to allow other lawful users of the highway adequate use thereof. Adequate parking shall be provided on the premises where the temporary mass gathering shall be held, or off-the- premises parking shall be provided with busing. The owner and promoter of the event shall employ such necessary uniformed police officers in order to facilitate the flow of traffic to and from the property, and on the roads and streets adjacent to the location of the event as are necessary as a result of the plan, and shall also employ such additional police officers necessary for adequate security of traffic shall be agreed to in advanced by the owner and promoter, and the Bazetta Township Police Department, and implemented at the time of the mass gathering event.

SECTION 29: REGULATION OF TEMPORARY MASS GATHERINGS – (Continued)

8. Fire inspections of premises and facilities and equipment on the premises where the temporary mass gathering event shall be undertaken by the appropriate fire department in the Township, and such inspection shall occur within two (2) hours of the time of performance.
9. Sanitary facilities shall be provided in accordance with the standards promulgated by the Trumbull County Board of Health and/or its recommendations for sanitary facilities necessary to handle the anticipated number of person attending the temporary mass gathering event.
10. **A permit shall be required for each day for which the event is scheduled. A permit fee for (Please see Annual Fee Schedule) is required for each day the event is scheduled, and shall be paid at the time of the application for the temporary mass gathering permit. The Zoning Inspector shall issue a permit, which shall be a provisional permit for each day of the event. Such provisional permit may be canceled without notice to the property owner or promoter should violations occur of the standards required herein.**
11. No temporary mass gathering permit shall be issued for an owner for a parcel of property for *more than two (2) days in any sixty- (60) day period of time during each calendar year.*
12. Noise considerations are of paramount concern to the Township. The owner and promoter when applying for the mass gathering plan permit ***shall include in the permit application a noise abatement plan*** which shall limit excessive, unnecessary, or unusually loud noises emanating from the location of the temporary mass gathering that are detrimental to the public health, comfort, convenience, safety, and welfare of the residents of Bazetta Township.

SECTION 30: DEFINITIONS

- Words used in this Resolution in the present tense shall be interpreted to include the future tense.
- Words used in the singular number shall include the plural number and the plural number shall include the singular number.
- The word **“shall”** as used in this Resolution is mandatory and not directory.
- The word **“structure”** shall include the building.
- The masculine gender as used in this Resolution shall include the feminine and neuter gender and vice-versa

1. ACCESSORY USE: (or “accessory building”)

For the purpose of this Resolution is a use or building customarily incident to and located on the same lot with another use or building. Accessory uses are customarily incident to any of the uses permitted herein, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

A private garage on the same lot with, or within the building to which it is accessory. Garage space may be provided on any lot for two (2) motor vehicles, and may be provided for one additional motor vehicle for each two thousand (2,000) square feet of lot area in excess of six thousand (6,000) square feet. In a separate building, no part of any private garage shall be used for residence purposes.

Car ports, utility sheds, bath houses, and any other accessory buildings must conform to lot setback, side yard, and rear yard requirements for the district in which they are located as herein specified.

No private swimming pools should be constructed until a zoning permit has been issued for constructions, and must meet the following requirements:

Placed only in side or rear portion of lot parcel (not front yard).

Fenced on all four (4) sides. Fence requirements below:

Minimum of four feet six inches (4'6") to a maximum of six (6) feet in height;

Pool to be no closer than ten (10) feet from the rear lot line;

Pool to be no closer than ten (10) feet from the side lot line.

SECTION 30: DEFINITIONS – (Continued)

2. ADULT ARCADE:

- Any place to which the public is permitted or invited wherein coin-operated or slug-operated, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of “specified sexual activities” or “specified anatomical areas.”

3. ADULT BOOK/VIDEO STORE:

- A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration, one (1) or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital video disks, or video representations which depict or describe “specified sexual activities” or “specified anatomical areas” or instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

4. ADULT CABARET: (LIVE ENTERTAINMENT)

- A nightclub, bar, show, restaurant, or similar commercial establishment, which regularly features persons who appear in a state of nudity; or live performances, which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”; or films, motion pictures, videocassettes, slides, digital video disks, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

5. ADULT ENTERTAINMENT BUSINESSES:

- An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, gyration choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators, or similar entertainment or services which constitute adult material.

SECTION 30: DEFINITIONS – (Continued)

6. ADULT MATERIAL:

- Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, digital video disks, or any other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and
- Which **material or service** that is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, sexual excitement, nudity, or human bodily functions of elimination.

7. ADULT MOTEL:

- A hotel, motel, or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, digital video disks, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or; offers a sleeping room for rent for a period of time that is less than ten (10) hours; or allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

8. ADULT MOTION PICTURE THEATER:

- A commercial establishment where for any form of consideration, films, motion pictures, videocassettes, slides, digital videodisks, or similar photographic reproductions are regularly shown which are characterized by the depiction, or description of “specified sexual activities” or “specified anatomical areas.”

9. AFFECTED AREA:

- The area affected as referred to in Section 24: AMENDMENTS, shall mean all areas having a radius of one-half (1/2) mile from the proposed change, unless the reason for the proposed change is of such magnitude as to reasonably affect the whole Township, then said Township shall be the affected area.

10. ALLEY:

- For the purpose of this Resolution, *an alley* is defined as a narrow public way, located, designed, and dedicated for public use and usually abutting on the rear lot lines.

11. APARTMENT:

- Whenever mentioned in this Resolution, an apartment is a room or suite of rooms in an apartment house which rooms is arranged, intended, designed, and constructed to be occupied as a residence of a single family, individual, or group of individuals.

SECTION 30: DEFINITIONS – (Continued)

12. APARTMENT HOUSE: (CONDOMINIUM)

- Or townhouse, row house, villa, etc. For the purpose of this Resolution shall be a building or portion thereof, used or designated as the residence for more than two (2) families living independently of each other, not including auto courts, motels, manufactured home parks, or tourist camps. An apartment house is a complete permanent building arranged, designed, intended, and constructed or reconstructed to be occupied by more than two (2) families living independently of each other.

13. BASEMENT:

- Anything below grade.

14. BATHROOM:

- Bathroom, wherever mentioned in this Resolution, is a room within the structure containing at least a washbasin, water basin, and water closet, and a permanently installed tub or shower bath.
- Boarder, whenever mentioned in this Resolution, is a person furnished with food and lodging, or food at another's house at a stated charge, one who rents a room or lodging.

16. BUFFER:

- For the purpose of this Resolution shall be planting, screen, and/or aesthetically approved fences on a strip of land separating one parcel from another.

17. CAMPGROUNDS:

- A campground includes, but not limited to, an area or resort for temporary recreational use by vacationers or others, and which provides for parking or placement of temporary dwelling structures and recreational vehicles for overnight shelter.

18. CONCRETE PAD:

- Concrete pad for the purpose of this Resolution is a slab of reinforced concrete construction ten (10) feet wide and fifty-eight (58) feet long, and being at least four (4) inches thick.

19. CONDOMINIUM:

- The land, together with buildings, improvements, and structures thereon, all the easements, rights, and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code.

SECTION 30: DEFINITIONS – (Continued)

20. CONSTRUCTION:

- Construction, whenever mentioned in this Resolution, shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this Resolution.

21. CUSTOMARY HOME OCCUPATION:

- A customary home occupation whenever mentioned in this Resolution shall be considered an occupation that does not involve sale of tangible goods, but rather a rendering of a service. (Section 4: A. R-1 District (Residential), Page 3, item #4 states: Any customary home occupations already existing are permitted to continue subject to termination under the rules pertaining to non-conforming. (Effective 1990)

22. DANGEROUS PETS:

- ***This does not include dogs, which are regulated by a separate Township Resolution.*** Dangerous Pets are defined as:
 1. Predatory- Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.
 2. Nuisance- Animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the residential property of the owner.
 3. Nature- Any non- native animal, bird, reptile, fish, or insect which, if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.
 4. Refers to any animal, reptile, bird, fish, or insect, which is trained, restrained, confined, and cared for in a way which demonstrates and which poses a threat of physical harm to humans, or which creates a nuisance to the neighborhood.

23. DWELLINGS, SINGLE FAMILY:

- A single-family dwelling is a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed, and constructed to be occupied by a single family.

24. DWELLING UNIT:

- A space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

SECTION 30: DEFINITIONS – (Continued)

25. FAMILY:

- A family, wherever mentioned in this Resolution, is any number of individuals related by blood, marriage, or adoption living and cooking together on the premises as a single housekeeping unit, and including domestic employees.

26. GARAGE:

- For the purpose of this Resolution, a garage is a building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way connected.

27. GARAGE SALES:

- Garage sale means a sale held by a property owner or renter of property in a garage, on a driveway or parking lot, porch, attic, or lawn, but not in the living area of any property (see page 53, Section 21: GARAGE SALES)

28. HIGHER USE:

- A higher use wherever mentioned in this Resolution is a *more restricted* use and “lower use” is a less restricted use.

29. HOME OCCUPATION:

- *SEE DEFINITION UNDER “CUSTOMARY HOME OCCUPATION” on page 75.*

30. INDUSTRIALIZED UNIT:

- The assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient, or substantially self-sufficient, and when installed, constitutes the structure or part of a structure, except for preparations for its placement, and such industrialized units comply with the procedures for acceptability under sections of the Trumbull County Building Code, Ohio Building Code, and contained in Amendments January 4th, 1971, entitled Group XXXVII Amendments, or Amendments thereto, and further, the industrialized unit must be located on an individual lot upon a permanent foundation in compliance with this Resolution. (See Section 13: Composition of Buildings, Item #D page 44)

31. INTERSECTION:

- For the purpose of this ordinance, intersection shall be the junction of any two (2) or more dedicated and accepted public streets in Bazetta Township.

SECTION 30: DEFINITIONS – (Continued)

32. LINE OF A BUILDING:

- A line of a building or “building line” wherever mentioned in this Resolution is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walks, whichever is nearer the lot line in question.

33. LOT:

- Lot used in this Resolution shall be a parcel of land occupied by, or legally capable of being occupied by a principal building and accessory building, or buildings or uses customarily incident to it, and to include such open yard areas as are required by this Resolution and such further open areas that are herein permitted to be arranged and designed to be used in connection with such building.
- Lot Area: See Lot

34. LOT LINE:

- Front Lot Line: A front lot line or “front property line” or “property frontage” for the purpose of this Resolution shall be construed to be coincident with the principal road line of the lot. If there is no established right-of-way line for the road or street, said line shall be deemed to be thirty (30) feet from the center of the road.
- Rear Lot Line: A rear lot line or “rear property line” for the purpose of this Resolution shall be the property line opposite the front lot line as defined in this Resolution. If a lot is not in the form of a rectangle, but is irregular in shape, there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the one side of said angle shall be the front lot line and the line opposite said angle shall be the rear lot line.
- Setback Line: A setback line for the purpose of this Resolution is a lot, with two (2) sides of which are bounded by margins of intersecting dedicated public highways.

35. MANUFACTURED HOME:

- A manufactured home or “mobile home” or “house trailer” or “trailer coach,” for the purpose of this Resolution, is any vehicle originally built, manufactured, assembled, constructed, or reconstructed to have one or more wheels; a non-self propelled vehicle, built on a permanent chassis; and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals.

36. MULTI-FAMILY DWELLING:

- A multi-dwelling consists of two (2) or more dwelling units including condominiums with varying arrangements of entrances and party walls.

SECTION 30: DEFINITIONS – (Continued)

37. NON-CONFORMING USE:

- A non-conforming use for the purpose of this Resolution is one that ***does not*** comply with the regulations established for the particular use district in which it is situated.

38. PORCH:

- A porch, whenever mentioned in this Resolution, is a roofed open structure projecting from the front, side, or rear wall of the building.

39. REPAIR GARAGE:

- For the purpose of this Resolution, a repair garage is a building or space for the storage of motor vehicles at which repairs on any kind of motor vehicle is permitted, or at which the sale of accessories and filling station service is permitted.

40. REST HOME:

- A rest home wherever mentioned in this Resolution, is a structure operated for profit, in favor of the care of aged or infirm persons.

41. SEMI-NUDE:

- A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breasts, as well as portions of the body covered by supporting straps or devices.

42. SEWAGE DISPOSAL PLANT:

- A plant approved by state and county sanitary officers giving primary and secondary treatment to sewage and operated and maintained by assessments against the property served; said assessment being collected by the County of Trumbull.

43. SEXUALLY ORIENTED BUSINESS:

- A business which is designed and used to sell, rent, or show sexually explicit materials distinguished or characterized by an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas” as herein defined and is more particularly, but not exclusively defined, as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater or massage business.

SECTION 30: DEFINITIONS – (Continued)

44. SEXUALLY ORIENTED DEVICES:

- Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities, but shall not mean any contraceptive device.

45. SIGNBOARD:

- A signboard or “billboard,” for the purpose of this Resolution, is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

46. STREETS, ROAD, HIGHWAY, or LANE:

- For the purpose of this Resolution, these are considered to be synonymous and each is defined as a public way located, designed, and dedicated for public use.

47. STRUCTURES or BUILDING:

- For the purpose of this Resolution, a structure or building is anything erected, constructed, or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundations, posts, piles, blocks, skids, sills, or other support is or is not permanently located in, or attached to, the soil.

48. STRUCTURAL CHANGE:

- A structural change, wherever mentioned in this Resolution means any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.

49. SWIMMING POOL:

- A swimming pool or “outdoor swimming pool,” for the purpose of this Resolution, is defined as a permanent water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material, and located out of doors, which has a square foot surface area of three hundred (300) square feet or more, a depth at any point of more than two (2) feet, or both. (*See Accessory Use, page 77 herein, for construction requirements*)

50. TENT:

- Tent, wherever mentioned in this Resolution is a temporary structure or canvas or other similar material for adult occupancy and is not intended to include a child’s play tent.

SECTION 30: DEFINITIONS – (Continued)

51. THOROUGHFARE or MAJOR THOROUGHFARE:

- For the purpose of this Resolution, shall be a main road.

52. VEHICLE:

- For the purpose of this Resolution, shall mean an auto, truck, bus, van, trailer, camper, boat secured to a trailer, and that which is mobile and has wheels, tracks, etc. for mobility.

53. YARD:

- **SIDE YARD:** a side yard or “side area,” for the purpose of this Resolution, is a space unoccupied by a building between a side lot line and the building line nearest thereto-on said lot.
- **REAR YARD:** A rear yard or “back yard,” or “rear area” or “back area,” for the purpose of this Resolution, is a space unoccupied by buildings or any structure of any type between the rear lot line and the building line nearest thereto-on said lot.

SECTION 31: ZONES BY DESCRIPTION

This section is zones by description of specifically zoned areas.

RESIDENTIAL ZONES (R-1, R-2, R-3)

R-1: The residential zone, referred to, as R-1 shall be the entire Township with the exception of those areas otherwise zoned as otherwise listed.

R-2 ZONES:

1. (Effective April, 1996)

Books, Charles –Part of section 41—parcel know as Lot 15 in the North Park Development Company, fronting on North Park Ave. Extension –Changed from “R-1 to R-2” (March 1997)

2. (Effective April, 2002)

Heineking Family Limited Partner –Section 70—184.8 acres at 2860 Niles-Cortland Rd, (end of Tobin Dr.) Changed from “R-1 to R-2” (April, 2002)

3. (Effective June 2009)

Cortland Church of Christ- In Section 84 – 12.73 Acres- East side of Hoagland Blackstub Road at the intersection of Perkins-Jones Road from “R-1” to “R-2” (June 2009)

SECTION 31: ZONES BY DESCRIPTION

(Effective November 1969) THIS SECTION IS SPECIFICALLY DESIGNED FOR RESIDENTIAL APARTMENT ZONE (RA)

APARTMENT 1 (I) RA

Part of Section 83. Beginning at the southwest corner of Section 83, being all land running east to the southeast corner of the 1.64 acre parcel (33) now or formerly owned by **R.J. Bechler**; then north to the south property line of the 18.48 acre parcel now or formerly owner by **W. & A. Tahtiyrtta**; then east along this line to the southwest corner of the .52 acre parcel (32) now or formerly owned by Ttahtiyrtta; north along this property line and continue north along a projected line to the southern line of the one acre parcel (#1) now or formerly owned by **Peura**; then continue west along this line to the southwest corner of the Peura property; then north along this property line, and continue north along a projected line approximately 132 feet; then east along a projected line to the Hoagland-Blackstub Road;

Then north approximately 50 feet; then west along a projected line to the southwest corner of the .415 acre parcel now or formerly owned by **P. & A. Humicus**; then north along this property line and continue north along a projected line to the south line of the 5 acre parcel now or formerly owned by **G. & M. Durica**; then east to the Hoagland-Blackstub Road; then north to the northeast corner of the parcel now or formerly owned by **Arne Niemi**; then continue west to appoint approximately 1,374 feet; then south along a projected line to the north line of te 5 acre parcel now or formerly owned by g. M. Durica; then west to the west line of Section 83; then south to the beginning point. **(The above-described parcel of land is now owned by Dominion Greens, Inc. and contains approximately 60.1645 acres.)**

APARTMENT 2 (II) RA

Parts of Sections 85 and 86, and being all of a 5.3 acre parcel now or formerly owned by **Service Station Sites, Inc.** and adjacent to the east of Elm Grove Plat #1. (June 1970)

(Amendment is contingent upon access roads being built by property owners and a public highway being constructed and dedicated by **C. & F. Enterprises or Golden Years, Inc.** the adjacent property owners to the east of the land rezoned.)

APARTMENT 3 (III) RA

Parts of Sections 75,76,85, and 86, and being a part of a 108.377 acre parcel now or formerly owned by **Mcfiacsi Development Corp.** beginning at a point 1,000 feet from the centerline of State Route 5, and containing the remainder of said 108.377 acre parcel. (November 1970)

APARTMENT 4 (IV) RA

Timber Creek Estates – Part of Section 75 – 27 acres. **(Neal Eaton)**

SECTION 31: ZONES BY DESCRIPTION

THIS SECTION IS SPECIFICALLY DESIGNED FOR COMMERCIAL ZONES (C)

COMMERCIAL 1 (I)

Part of Sections 33, 47, 48, 54, 55, 65, and 76, and being all land between Old State Route 5 and New State Route 5, from Cortland Village's south boundary to the south end of Old State Route 5, and part of Section 33 and being all of parcel #9.

COMMERCIAL 2 (II)

Part of Section 54 and being 200 feet deep on the southeast of State Route 5 from State Route 305 south to the northeast property line of a 17.85 acre parcel now or formerly owned by D. & T. Wiluar; and all of a 17.85 acre parcel now or formerly owned by D. & T. Wiluar.

COMMERCIAL 3 (III)

Part of Section 66 and being all of a 37.155 acre parcel now or formerly owned by the Valley Realty Company; and all of an 8.85 acre parcel now or formerly owned by D. & F. Bozin; and a 10.25 and 10.714 acre parcels now or formerly owned by D. Bozin.

COMMERCIAL 4 (IV)

Part of Section 68 and being part of a 48.5-acre parcel now or formerly owned by B. & L. Callahan, and being all of that parcel except for a 400 foot depth frontage on the east side of the McCleary-Jacoby Road right-of-way; and all of parcel #1 now or formerly owned by L. & E. Ruitter; and part of 71.95 acre parcel now or formerly owned by John & F. Kane, 400 feet deep from the west right-of-way line of State Route 446 south from said Callahan's 48.5 acre parcel to a 1.0 acre parcel (#3) now or formerly owned by C. M. Oliver.

COMMERCIAL 5 (V)

Part of Section 68 and being all of the 7.02 acre parcel now or formerly owned by C. & E. Winch; and a 4.2 acre parcel and parcels #6 and #7, now or formerly owned by B. & E. Ruitter, J. C. Ruitter, and L. Ruitter; and parcels #8 and #9 now or formerly owned by I. & E. Tobin and H. Tobin.

COMMERCIAL 6 (VI)

Parts of Sections 72, 73, and 88, and being all of a 32.8, 41.5, and 7 acre parcels, now or formerly owned by K. A. & W. Smelko; and parcels #15 and 26, and a 3.54 acre parcel and a 13.9 parcel now or formerly owned by G. L. Cook.

Part of Section 88 and being all of parcels #20 and #21 now or formerly owned by H. Crain; all of parcel #22 now or formerly owned by Smelko; all of parcel #23 now or formerly owned by Brook; all of parcel #24 now or formerly owned by Alleman; and all of parcel #25 now or formerly owned by Lozner.

Part of Section 88, being all of parcel #4 now or formerly owned by E. Jones; all parcels #5 now or formerly owned by Smelko; and part of parcel #6 now or formerly owned by Jones and being 200 feet deep from the west side of State Route 46, across the entire frontage of parcel #6.

SECTION 31: ZONES BY DESCRIPTION

CONTINUATION OF “COMERCIAL ZONE”

COMMERCIAL 7 (VII)

Part of Section 93 and being 323 feet deep from the east right-of-way line of State Route 46, and extending from the north property line of a 20.64 acre parcel now or formerly owned by C. & R. Duncan southward a distance of 370 feet.

COMMERCIAL 8 (VII)

Part of Sections 76, 84, 85, 97, and 98, and being all land between the Erie Lackawanna Railroad and State Route 5 from the south end of Old State Route 5 southwest to the Howland Township line; and the east side of State Route 5 to a depth of 400 feet from the 49.97 acre parcel of the City of Warren southwest to the north line of Section 97.

COMMERCIAL 9 (IX)

Part of Sections 43, 44, 57, and 58 and being the intersection of State Route 305 and Hoagland-Blackstub Road to a depth of 400 feet from the road right-of-way.

COMMERCIAL 10 (X)

Part of Section 78 and being all of a 6.23, 31, and 1.06 acre parcels now or formerly owned by Arne Niemi, and all of a 7.23 acre parcel now or formerly owned by C. J. Nicopoles. (None in Section 83)

COMMERCIAL ZONES AMENDED

“ZONE CHANGES”

COMMERCIAL 11:

Huffmyer, Warren & Josephine – Part of Section 88 – all of a 6.17 acre parcel which fronts on both State Route 46 and McCleary-Jacoby Road – Changed from “R” to “C” (June 1970)

COMMERCIAL 12:

Winch, Charles & Eleanor – Part of Section 69 – a part of a 123.02 acre parcel to a depth of 525 feet from the centerline of State Route 46 – Changed from “R” to “C” (June 1970)

COMMERCIAL 13:

McFicasi Development Company – Part of Sections 75 and 76 – a part of a 108.377-acre parcel of land to a depth of 1,000 feet from the centerline of State Route 5 – Changed from “R” to “C” (November 1970)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 14:

Woodward Heating and Air Conditioning Company – Part of Section 85 – a part of a 5.227 acre parcel of land to a depth of 800 feet from State Route 5 – Changed from “R” to “C” (February 1971)

COMMERCIAL 15:

Brainard, Wade & Mildred – Part of Section 10 – all of a 3.65-acre parcel on State Route 5 North of Cortland Village – Changed from “R” to “C” (August 1973)

COMMERCIAL 16:

Wechbacker, Mildred M. – Part of Sections 47 and 48 – 3.5 acres on State Route 305 next to Township property – Changed from “R” to “C” (March 1981)

COMMERCIAL 17:

Naegele Outdoor Advertising – Part of Sections 98 and 99 – on land owned by Ohio Edison along Route 5 Bypass – Changed from “R” to “C” (March 1981)

COMMERCIAL 18:

Church of Christ – Part of Section 10 – 2.4724 acres at 4747 Warren-Meadville Road – Changed from “R” to “C” (March 1982)

COMMERCIAL 19:

Carden Company – Part of Section 49 – 16.901 acres at intersection of State Route 46 and State Route 305 – Changed from “R” to “C” (April 1986)

COMMERCIAL 20:

Michalchick, William Jr. – Part of Section 54 – Balance of land at 3278 Elm Road Extension, State Route 5, excluding 60-foot right-of-way to McCleary Jacoby Road (200 foot depth from State Route 5 is presently commercial) – Changed from “R” to “C” (June 1986)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 21:

Service Guide, Inc. –Part of Section 54 – Balance of land at intersection of State Route 5 and State Route 305 and County Highway 201B (McCleary-Jacoby Road) Major portion of this property is presently commercial – Changed from “R” to “C” (May 1986)

COMMERCIAL 22:

Elm, Inc. –Part of Section 66 – 2.5 acres, 330 feet depth from centerline to State Route 5 (at either side intersection of Norlin Drive) – Changed from “R” to “C” (April 1986)

COMMERCIAL 23:

Harris, Woodrow & Marilyn –Part of Section 10 – 2.5 acres at 4821 Warren-Meadville Road in Lot #10 –Changed from “R” to “C” (September 1986)

COMMERCIAL 24:

Park Colony Company – Part of Section 84 and 85 – On the east side of State Route 5 from a depth of 400 feet from the centerline of State Route 5, to a total depth of 1,250 feet from the centerline of State Route 5 --Changed from “R” to “C” (November 1973)

COMMERCIAL 25:

Burnett & Pannozzo – Part of Section 76 and 85 –Commercial property owned by them increased from “R” to “C” from 400 to 600 feet from centerline of State Route 5. (March 1987)

COMMERCIAL 26:

Harris, Woodrow & Marilyn –Part of Section 10 – 9.7887 acres at 4777 Warren-Meadville Road – Changed from “R” to “C” (May 1887)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

NOTE: C-1 & C-2 COMMERCIAL ZONES IN EFFECT 8/87 TO 01/2005

COMMERCIAL 27:

Masters, Richard & Joyce –Part of Section 54 –2.397 acres at 3245 Warren-Meadville Road – Changed from “R” to “C-2” (September 1987)

COMMERCIAL 28:

Gay, Earl & Barbara – Part of Section 48 –Parcel #21 and part of #22, at 3333 Niles-Cortland Road –Changed from “R” to “C-1” (May 1988) (Note: See Commercial #44 *this same property was amended to “C-2” in January 1994*)

COMMERCIAL 29:

McMerrell, Dale, & Edith -- Part of Section 32 –0.826 acres at 3620 Niles-Cortland Road – Changed from “R” to “C-1” (September 1988)

COMMERCIAL 30:

Schrecengost, Jack & Vivian –Part of Section 73 & 88 –11.869 acres at 2555 Niles-Cortland Road –Changed from “R” to “C-2” (September 1988)

COMMERCIAL 31:

Duncan, Ben & Evelyn –Part of Section 48 –1.236 acres at 3355 Niles-Cortland Road –Changed from “R” to “C-2” (October 1988)

COMMERCIAL 32:

Hufstetler, Tod A. –Part of Section 48 –IN Caster line Plat, Lot #4, at 3464 State Route 5 – Changed from “R” to “C-1” (October 1988)

COMMERCIAL 33:

Apostolakis, Jack G. –Part of Section 33 –0.796 acres at 3592 State Route 5 –Changed from “R” to “C-1” (December 1988)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 34:

Masters, Richard & Joyce –Part of Section 54 –1.248 acres at intersection of Wilson-Sharpville and Warren-Meadville Road –Changed from “R” to “C-1” (April 1989)

COMMERCIAL 35:

Pealer, Rex R. & Doris –Part of Section 54 –0.44 acres at 3299 McCleary-Jacoby Road –Changed from “R” to “C-2” (August 1989)

COMMERCIAL 36:

Williams, John E. (by Plymale, Vendee under land contract) –Part of Section 65 –4.239 acres at 2917 Durst Colebrook –Changed from “R” to C-2” (May 1991)

COMMERCIAL 37:

Revis, David & Florence –Part of Section 48 – Lot #35, Caster line Plat #2, at 353 Niles-Cortland Road –Changed from “R” to C-1” (May 1991)

COMMERCIAL 38:

Dawson, Timothy –Part of Sections 66 & 67 – Lot #4, Elmwood Plat at 3038 Elm Road Extension, --Changed from “R” to “C-2” (October 1991)

COMMERCIAL 39:

Adams, John and Szabo, Richard & Carolyn (joint application) –Part of Section 67 – Lot #1 and Lot #2, Elmwood Plat, at 3064 and 3054 Elm Road NE –Changed from “R” to “C-1” (April, 1992)

COMMERCIAL 40:

Eaton, Neal –Part of Section 48 –1.287 acres at 3378 State Route 5, NE –Changed from “R” to “C-1” (May 1992)

COMMERCIAL 41:

Nevinski, Rickie & Linda –Part of Section 67 –Lot #3, Elmwood Plat, at 3044 Elm Road NE – Changed from “R” to “C-2” (May 1992)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 42:

Parkinson, Leonard & Judy –Part of Section 66 and 67 –Lot #5, Elmwood Plat, at 3030 Elm Road Extension –Changed from “R” to “C-2” (July 1990)

COMMERCIAL 43:

Roby, Irene –Part of Section 33 –1.254 acres fronting on both Elm Road Extension (State Route 5) and Niles-Cortland Road (State Route 46) –Changed from “R” to “C-2” (October 1993)

COMMERCIAL 44:

Musick, Richard & Debra –Part of Section 48 –3.764 acres at 3333 Niles-Cortland Road, corner of State Route 305, (see zone change #28 pg. 89; The property was previously zoned C-1 by prior owners) –Changed to “C-2” (January 1994)

COMMERCIAL 45:

Parshall, William –Part of Section 65 –3.761 acres at 2971 Durst-Colebrook Road –Changed from non-conforming “R” to “C-2” (January 1994)

COMMERCIAL 46:

Hillier, Ronald –Part of Section 66 –Lot #6, Elmwood Plat #1, on Elm Road Extension (State Route 5) –Changed from “R” to “C-2” (April 1994)

COMMERCIAL 47:

Ratell, Ray –Part of the Section 41 –54.307 acres, Longview Acres Subdivision, State Route 305 – Changed from “R” to “C-2” (November 1994)

COMMERCIAL 48:

Rephun, Thomas & Melissa; Koper, Edward & Vanessa; Harrison, Raymond & Carol; Harrison, Jeffery –Part of Section 50 –(Joint applications for five (5) parcels) –Total of 10.162 acres –On Wilson-Sharpville Road (State Route 305) –Changed from “R” to “C-2” (January 1995)

COMMERCIAL 49:

McDorman, Gerald & Joyce –Part of Section 76 –0.492 acres at 2705 Warren-Meadville Road – Changed from “R” to “C-1” (May 1996)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED

“ZONE CHANGES”

COMMERCIAL 50:

Rodgers, George & Denise (option to purchase) & Thomas, Frederick & Carolyn (present owners) –Part of Section 48 –3566 State Route 5 –Changed from “R” to “C-2” (December 1996)

COMMERCIAL 51:

Anderson, Godfrey –Part of Sections 84, 85, and 86 –All of the 135.426 acres fronting on Elm Road (State Route 5) –Changed from “R” to “C-3” **EXCEPT FOR THE FOLLOWING PORTION WHICH SHALL REMAIN R-1 (RESIDENTIAL):** Starting from the point on the northern boundary of the above names parcel where the commercially zoned designation granted in 1973 ends (1,250 feet east from the centerline of State Route 5 –refer to entry under Commercial Zone Amended #24), then following an imaginary line running south to a depth of one hundred (100) feet from the northern boundary of G. Anderson’s 135.426 acres, and then proceeding eastward along an imaginary line for a distance until it reaches fifty (50) feet beyond an above point of the eastern boundary line of the Lot #14 of Elm Grove plat #1 (a parcel presently owned by Larry Parker on Wilshire Drive); then following an imaginary line northward to the northern boundary line of the Godfrey Anderson property (which also is the southern boundary line of property presently owned by Innerscope Technical Services., Inc. (July 1997)

COMMERCIAL 52:

Williams, James & Karen –Part of Section 88 –All of two (2) parcels located at 2411 Niles-Cortland Road –Changed from “R” to “C-2” (September 1997)

COMMERCIAL 53:

Spencer, Kermit & Tina –In Section 38 –Located at 3649 Hoagland-Blackstub Road –Changed from “R” to C-2” (December 1997)

COMMERCIAL 54:

Greenwood, Brian E. –In Section 32 –Located at 3590 Niles-Cortland Road NE –Changed from “R” to “C-1” (March 2001)

COMMERCIAL 55:

Hovis, Michael & Stephanie –In Section 48 –Located at 3488 State Route 5 –Changed from “R” to “C-1” (May 2001)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 56:

Brown, Kevin & Ulderich, Max –In Section 49 –Located at 3578 State Route 46 –Changed from “R” to “C-1” (January 2003)

COMMERCIAL 57:

Fitzsimmons, Clara –In Section 48 –Located at 3506 State Route 5 –Changed from “R” to “C-1” (January 2005)

COMMERCIAL 58:

Matheson, Jesse & Cindy – In Section 88- Located at Niles Cortland Road – Changed from “R” to “C-1” (April 2006)

COMMERCIAL 59:

Bazetta Township Administration Building – In Section 48 – at 3372 State Route 5 - -Changed from “R-1” to “CC-1” (May 2006)

COMMERCIAL 60:

Pyatt, Eugene & Luetta – In Section 42 – at Wilson Sharpsville Road – Changed from “Non-Conforming” to “C-3” (September 2006)

COMMERCIAL 61:

Richard P. Musick & Daniel P Liska – In Section 53 – 2448 Wilson Sharpsville Road – Changed from “R-1” to “C-1” (June 2007)

COMMERCIAL 62:

Mark Ainsley Sr, Mark Ainsley Jr & Gerald Roth - In Section 85 – 2.168 Acres - 2438 State Route 5 – Changed from “R-1” & “C-1” to “C-3” (May 2008)

COMMERCIAL 63:

Casey Earth LLC – In Section 85 – 1.256 Acres- 2439 State Route 5 – Changed from “C-1” to “C-3” (December 2008)

SECTION 31: ZONES BY DESCRIPTION

COMMERCIAL ZONES AMENDED CONTINUED

“ZONE CHANGES”

COMMERCIAL 64:

Helen M Parks – In Section 48-0.44 acres at 3449 Elm Road Extension - from “C-1” to “C-3” (July 2009)

COMMERCIAL 65:

Helen M Parks, Bruce Parks, Ronald L Parks, Keith A Parks- In Section 48- 0.76 at 3473 Elm Road Extension from ‘C-1’ to “C-3” (July 2009)

SECTION 31: ZONES BY DESCRIPTION

INDUSTRIAL ZONE (I)

“Effective November 1969”

INDUSTRIAL #1

Beginning at a point 1,050 feet from the center line of McCleary-Jacoby along the north line of Section 33; thence south to a point in the center line of Old State Route 5; then northeast along the center line of Old State Route 5 to the Cortland City Limits; thence westerly along the Cortland City line to the southwest corner of Cortland City; thence northerly along the Cortland City line to a point in the northerly boundary line of Section 33; thence westerly to the point of beginning.

INDUSTRIAL #2

Part of Sections 94 and 95, and being all of the 110 acre parcel formerly owned by William & C.M. LaVoo, and all the five (5) acre parcel formerly owned by George Hamilton, now all owned by Charles Stein running from State Route 46 west to Mosquito Creek, except a 1,000 foot setback area and said 1,000 foot setback line being parallel with the centerline of State Route 46.

INDUSTRIAL #3

Part of Section 95 and being all of the 82.5 acre parcel now or formerly owned by Joseph R. Rossi, and all of Section 96 and part of Section 97, and being all land between the west line of Section 96 west to State Route 5, bounded on the south by Howland Township, and on the north by the south line of Section 54, and part of Section 98, and being the small parcel of land in the southern part of Section 98 east of New State Route 5, now or formerly owned by Peter Denovchek.

SECTION 31: ZONES BY DESCRIPTION

INDUSTRIAL ZONE (I) CONTINUED

INDUSTRIAL #4

Part of Sections 98, 99, and 100 –Beginning at the Champion Township line in Section 100 and being all land south of the new By-Pass south to the Howland Township line and east to the Erie Lackawanna Railroad.

INDUSTRIAL #5

All of Section 81, and part of Section 100, and being all land north of the new By-Pass, north to the south line of Section 81, west to the Champion Township line, and east to the west line of Section 82, and part of Sections 82 and 99, and being all land on the west side of the north-south segment of the Perkins-Jones Road running north to appoint which is a projected line north to the south line of Section 79, west to the east line of Section 81, and south to the new By-Pass.

SECTION 31: ZONES BY DESCRIPTION

INDUSTRIAL ZONES AMMENDED (I) *ZONE CHANGED

INDUSTRIAL 6:

Barko, John J. –Part of Section 84 –3.65 acres at 2305 Elm Road Extension –Changed from “C” to “T” (September 1991)

IDUSTRIAL 7:

R.W. Sidley Inc.- Part of Section 84 -11.137 Acres at 2395 Elm Road- Changed from “C-1” to “T” (July 25, 2009)

MANUFACTURED HOME PARK ZONE (MH)



SECTION 32: PONDS

Pond surface size of one half (1/2) acre and greater requires a permit and to have authorization from the Soil and Water Department. The permit fee will be twenty- five dollars (\$25.00)

- 1.) Water level shall not be above the original land grade.
- 2.) Pond must be on a minimum lot size of five (5) acres and have one hundred (100) feet clearance from property lines.
- 3.) Retention ponds and ponds under one half (1/2) acre surface area are exempt.

SECTION 33: PERMANENT MEMBRANE STRUCTURES

Permanent Membrane Structures are limited to Commercial (C-2) Districts and above.

- 1.) Must comply with Chapter 31, Special Construction, Ohio State and Trumbull County Building Codes.
- 2.) Require permit.
- 3.) Are prohibited in Residential (R-1 and R-2) Districts.