

ZONING RESOLUTION

BAZETTA TOWNSHIP TRUMBULL COUNTY, OHIO

ZONING RESOLUTION

Date:5/1/06

Resolution No. 115-06 Revised 10/2013

ORIGINAL ZONING RESOLUTION ADOPTED NOV. 1969

Administrative Manual Guide

3372 State Route 5
Cortland, Ohio 44410
Office (330) 637-8816 Fax (330) 637-4588

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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: GENERAL PROVISIONS

Title- This Resolution shall be known as “The Zoning Resolution of Bazetta Township, Trumbull County, Ohio” and may hereafter be referred to as “this resolution.”

Jurisdictions- This resolution shall apply to all of the unincorporated territory of Bazetta Township, Trumbull County, Ohio.

Purposes- For the purpose of promoting health, safety, morals, comfort, and general welfare; to conserve and protect property; to stabilize and preserve individual citizens property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with the Bazetta Township Comprehensive plan. The Bazetta Township Board of Trustees find it necessary and advisable to regulate the location and sizes of buildings and other structures, including but not limited to, tents, cabins, and manufactured homes, percentages of lot area which may be occupied, setback building lines, sizes 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 all other structures, including but not limited to, 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.

- To prevent vehicular traffic congestion on roads by the appropriate classification of uses for each type of zoning district and the provision for parking and loading/unloading facilities.
- To conserve and protect the natural resources of the township, including the supply of groundwater.
- To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.

Provisions of Resolution Declared to be Minimum Requirements- In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements for the protection of the public health, safety and morals. This resolution shall therefore be regarded as remedial, and shall be liberally constructed to further its underlying purposes.

Powers Not Conferred By Chapter 519 of the Ohio Revised Code or this Resolution-

- This resolution does not prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such building or structures are located, including building and structures that are used primarily for venting and selling wine that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with R.C. 519.21(B).

- This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of any land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.211(B)(4)(a) and Section of this resolution, the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.
- This Resolution does not prohibit in a district zoned for industrial, residential or commercial uses (on lots of more than one acre), the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

Schedule of Fees, Charges and Expenses; and Collection Procedures- The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and township clerk, and may be altered or amended only by resolution of the board of township trustees.

- Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.
- Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

First Day Excluded and Last Day Included in Computing Time; Exceptions; Legal Holiday Defined- The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or legal holiday.

- When a public office in which an act, required by law, is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or legal holiday as defined in R.C. 1.14.
- “Legal Holiday” as used in this section means the days set forth in R.C. 1.14.

- If any day designated in R.C. 1.14 as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.

Computation of Time- If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Specific Provision Prevails over General; Exception- If a general provision conflicts with a specific provision, they shall be construed, if possible, so that the effect is given to both. If the conflict between the provisions is irreconcilable, the specific provision prevails as an exception to the general provision, unless the general provision prevails.

Irreconcilable Amendments- If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

Continuation of Prior Amendment- A provision or regulation which is re-enacted or amended, is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

Effect of Amendment- The amendment of this resolution does not:

- A. Affect the prior operation of this resolution or any prior action taken there under;
- B. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred there under;
- C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
- D. Affect any investigation, proceeding or remedy in respect to any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the resolution had not been amended.

Annexed Territory- Upon annexation of township territory to an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

Severability- If any provisions or regulations of this resolution or an amendment thereof or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions, regulations, applications, or amendments of this resolution which can be given

effect without the invalid provision, regulation, application, or amendment; and to this end the provisions, regulations, and amendments are severable.

Effective Date- This resolution shall be in full force and effect from and after its passage as provided by law.

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. PROHIBITION AND REGULATION OF AGRICULTURAL USE OF RESIDENTIAL PROPERTY:

1. Except for the growing of crops, plants and vegetation of personal use and or consumption of property resident(s), and the keeping harboring of domestic household pets of the resident(s) boarded inside of the residence dwelling, and not raised or breed for sale; the use of property for agriculture is prohibited in residential districts on lots of one (1) acre or less, in platted subdivisions approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.
2. On lots greater than one (1) acre but not greater than five (5) acres, buildings or structures primary or incidental to the use of land for agricultural purposes, shall comply with all building set back lines, height and size limitations, restrictions and conditions as they apply to all buildings and structures in the same use classification district in this zoning resolution.

C. 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)

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 from the intersections of a major thoroughfare and a collector street;
- Such developments 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:

- 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.

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.
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.

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

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 (COMMERICAL)

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
 - 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, 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.

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
- Internet Cafes/Internet Sweepstakes Business: are permitted in C-3 (Commercial) district only with the granting of a Conditional Zoning Certificate. They must comply with the following additional conditions.

Internet Cafes/Internet Sweepstakes Business are prohibited from operating within 1000 feet of any church, religious institution, public or private school, library, public playground, public park, private residence, establishment operating with a state liquor permit, or within 1000 feet of another Internet Café/Internet Sweepstakes Business.

The businesses are permitted to operate Monday through Thursday 10:00am to 10:00pm, Friday and Saturday 10:00am to midnight, and Sundays 1:00pm to 10:00pm.

The interior of the Internet Cafes/Internet Sweepstakes Business shall provide a minimum of forty (40) square feet per computerized sweepstakes device in each room in which such devices are located.

The sale, possession, or consumption of alcoholic beverages on the premises of an Internet Café/Internet Sweepstakes Business is not permitted.

No person under the age of twenty one (21) shall be permitted on the premises of any Internet Café/Internet Sweepstakes Business.

Such other conditions as necessary to preserve the health, safety and welfare of the community.

Fees for the Conditional Zoning Certificate will be the same as those established for Adult Entertainment businesses and must be renewed annually.

The Conditional Zoning Certificate will become null and void if County or State Law officials deem that the Internet Cafes/Internet Sweepstakes Business activities are illegal.

Definitions- See The Following in the Definitions Section

Internet Café/Internet Sweepstakes Business and
Entertainment Device Establishments

1. Any used 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 “P” 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.
3. A facility for warehousing distribution of 1.4G consumer fireworks, retail sales, and administrative offices related to said use, where no manufacturing, assembly or testing of fireworks takes place, is permitted as a conditional use in I Districts (Industrial), subject to the following conditions:
 - a. No such establishment/business may be located within 1000 feet of a residence, church, or school.
 - b. Such other conditions as necessary or customary, and/or to preserve the health, safety, and welfare of the community.
 - c. **1.4G Consumer Fireworks:** NFPA 1124 3.3.30.1 small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC), as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.
1.3G Display Fireworks: NFPA 1124 3.3.30.2 large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

d. **Comparison of 1.4G and 1.3G Fireworks**

1.4G Consumer Fireworks

- Regulated by CPSC
- Intended for personal use
- No permit required to possess
- Burns, no mass detonation
- No chain ignition
- Specific limits on amount of pyrotechnic composition

1.3G Professional Fireworks

- Regulated by ATF
- Professional use only
- Federal STF permit required to possess
- Explodes, mass detonation
- Chain ignition
- No limit on amount of pyrotechnic composition

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.
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. Tow 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.
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 is 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. “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:**

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.

Central or public sanitary sewage facilities and central or public water facilities shall be required. All utilities must be underground.

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.

1. 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.

2. 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.
- 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 any rear lot line and be the same as R-1.
3. 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.
 4. 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.
 5. 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.

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.

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;
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.
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.

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)

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.

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.

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.

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.

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 uses 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.

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).

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.**
- 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 metal 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)
- Z. Dumpsters, including waste compactors, may be allowed in R-1, R-2, RA, C-1, C-2, C-3 and Industrial zoned areas, subject to compliance with all applicable sections of this resolution. The purpose is to ensure appropriate separation and screening from adjacent lands.

1. Restrictions- Waste containers of the “Front Load Dumpster” or “Roll-Off Dumpster” types that are used as waste receptacles are prohibited in Residential R-1 Districts with the following exceptions:

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 for more than thirty (30) days, you may have multiple dumpsters during that period. No more than two (2) permits at a charge of (Please see Annual Fee Schedule) for 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.

Dumpsters of the capacity of three (3) yards or less are permitted in a Residential R-1 District, except in a platted subdivision and must be serviced on a weekly basis.

2. Location and Height- Dumpsters must comply with the following requirements in all R-2, RA, Commercial and Industrial Zones:

- A. Located to the side or rear of the building served.

- B.** When located in side yards, the dumpster must be set back from the front of the building a minimum distance of (50) fifty percent of the building depth.
 - C.** Located on a concrete pad within the screened area required in this resolution.
 - D.** Centered within the screened area by use of parking blocks, bollards, curbs or similar means.
 - E.** When located on a property adjacent to a residential zoning district or use, located a minimum of (10) ten feet from the side and rear property line.
 - F.** When located on a property adjacent to a commercial or industrial zoned district or use, the setback from the side and rear property line may not be less than (8) eight feet.
 - G.** Maximum (8) eight feet in height.
- 3. Screening and Maintenance-** Dumpsters must comply with the following screening and maintenance requirements:
- A.** Screened on all sides with a durable, weather resistant material that complies with fence requirements in this resolution.
 - B.** A combination of fencing materials and natural vegetation may be used, provided, however, that if natural vegetation is used; it must comply with the screening requirements of this section within (1) one year from the issuance of the applicable zoning certificate.
 - C.** Chain link fences are prohibited for dumpster screening, unless meeting the requirements of this section.
 - D.** Screenings must have opacity of (100) one hundred percent, except for provisions in using natural vegetation as listed above.
 - E.** Screening must be to the height of the dumpster with a maximum height of (8) eight feet.
 - F.** Screening must be spaced a minimum of (2) two feet from the dumpster.
 - G.** Screening must be properly maintained and in good repair at all times.
 - H.** Trash must be fully enclosed in the dumpster, with closed lids, at all times.
 - I.** Screening material must be compatible in appearance to the building served, and aesthetically suitable for the neighborhood contained.
 - J.** No advertising may be placed, painted or posted on or over the screenings or used as a substitute for screening.
- 4.** No dumpster or screening may be installed without a zoning certificate as provided for in this resolution. A zoning certificate may permit multiple dumpsters screened within a single enclosure.
- 5.** Any dumpster that is nonconforming, as of the adoption date of this Resolution, shall conform to all requirements if moved to a new location or threatens the public health, safety or general welfare of the public at the determination of the Trustees through the Zoning Inspector.

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
- B. 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.
- C. 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

SIGN REGULATIONS:

PURPOSE

The purpose of these sign regulations is to promote and protect the public health, safety and welfare of the citizens of the Township and promote an attractive physical environment establishing uniform standards for the size, height, location, setback, lighting and other requirements for the character, appearance, installation and maintenance of signs.

SCOPE

The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any street, sidewalk or public/private common open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this section shall be in addition to any provisions of Chapter 5516 of the Ohio Revised Code and the Ohio Basic Building Code (OBBC) applicable to the construction and maintenance of signs.

PERMIT REQUIRED

No sign shall be erected, enlarged, expanded, altered, relocated or reconstructed on public or private property, unless all provisions of this section have been met and a zoning certificate issued by the Zoning Inspector.

GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The following regulations and restrictions shall apply to all signs located and erected within the Township of Bazetta, regardless of type, style, location, design or other classification.

Location:

- No sign shall be located within the right-of-way of any public or private road within the township, except publicly owned signs, such as traffic control signs and directional signs. All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communications equipment.
- The placement of signs and their supporting structures shall not interfere with natural or artificial drainage ways.

Lighting:

- Movement: No sign shall incorporate movement or the illusion of movement.
- Intensity: Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights.
- Illumination: In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from, to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.

Sight Interference:

- No sign shall be permitted that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

Traffic Safety; Colors; Etc.:

- Signs shall not closely resemble or approximate the shape, form or color of official traffic signs, signals and/or other devices.
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Design, Construction and Maintenance:

- No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices.

- All signs shall be rigidly secured and no sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- No advertising sign shall be attached to or supported by a tree, standpipe or utility pole or painted upon a roof.
- No vehicle or trailer may be parked on a business premises or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
- All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Resolution at all times.

Measurement Standards:

Sign area shall include the face of all the display area of the sign, not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. The area of letters, numbers or emblems mounted on a building wall shall be computed by enclosing such letters, numbers or emblems with the smallest single continuous perimeter.

Sign height shall be measured from the grade at the center of the sign to the highest point of the sign or its supporting structure.

Building frontage shall be the width of the façade(s) of the building which faces the principal street or contains the main entrance. If the building is divided into units, the building unit frontage shall be the width of that unit, as measured from the party wall centerlines.

Sign Schedule

The following on-premises signs or advertising structures of a permanent nature shall be permitted or conditionally permitted within the following Zoning District.

Sign Schedule			
Type of Sign	Zoning District		
	Residential "R-1 and R-2"	Commercial "C-1,C-2 and C-3"	Industrial "I"
Free-Standing			
Ground Mounted/Monument	○	●	●
Pole/Pylon	○	●	
Building Signs			
Wall		●	●
Roof			●
Projecting		●	
Window		●	
Canopy/Marquee		●	

- Permitted
- o Conditionally Permitted

Specific Requirements for Certain Signs

The regulations set forth herein shall apply to all permitted or conditionally permitted signs as noted in the Sign Schedule.

A. Free-Standing Signs: Ground Mounted/Monument

All ground mounted/monument signs shall be erected in a landscaped setting. Neither the nor the ground sign shall obstruct the view of vehicles entering or exiting the property.

1. Residential Districts: Ground Mounted/Monument signs shall be permitted in the Residential District for all uses that are conditionally permitted as specified in Section 4-2 of this Zoning Resolution, and shall conform to the following:

- a) A maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided ground signs shall be permitted per developed parcel.
- b) Ground signs shall not exceed an area of twenty-five (25) square feet per sign face.
- c) No ground sign shall exceed a height of six (6) feet from established grade to the top of the sign structure.
- d) Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.

2. Non-Residential Districts: Ground Mounted/Monument signs in non-residential districts conform to the following:

- a) A maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided ground signs shall be permitted per developed parcel.
- b) Ground signs shall not exceed twenty-five (25) square feet per sign face or fifty (50) square feet in total sign area.
- c) No ground sign shall exceed a height of eight (8) feet from established grade to the top of the sign structure.
- d) Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.

B. Free-Standing Signs: Pole/Pylon

The maximum height of a pole/pylon sign shall be measured from the base of the support structure to the top of the sign. The minimum height shall be measured from the base of the support structure to the bottom of the sign.

1. Residential Districts: Pole/Pylon signs shall be permitted in the Residential District for all uses that are conditionally permitted as specified in Section 4-2 of this Zoning Resolution, and shall conform to the following:

- a) Not more than one (1) Pole/Pylon sign shall be permitted per developed parcel.
- b) Maximum surface display area shall not exceed sixty (60) square feet per sign face.
- c) Maximum height shall not exceed twenty (20) feet and a minimum height of no less

than fifteen (15) feet.

- d) Signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.
- e) No sign shall be located within fifty (50) feet of any existing freestanding sign located on any parcel on the same side of the street.

2. Non-Residential Districts: Pole/Pylon signs in non-residential districts shall conform to the following:

- a) Not more than one (1) Pole/Pylon sign shall be permitted per developed parcel.
- b) Maximum surface display area shall not exceed sixty (60) square feet per sign face.
- c) Maximum height shall not exceed twenty (20) feet and a minimum height of no less than fifteen (15) feet.
- d) Signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.
- e) No sign shall be located within fifty (50) feet of any existing freestanding sign located on any parcel on the same side of the street.

C. Wall Signs

1. Residential Districts: Not Permitted

2. Non-Residential Districts: Wall signs in non-residential districts shall conform to the following:

- a) A single-tenant in a single-tenant building shall be permitted a maximum of one and one-half (1 ½) square feet of sign area per linear foot of building frontage not to exceed eighty (80) square feet.
- b) Each building unit in a multiple-tenant building shall be permitted a maximum of one and one half (1 ½) square feet of sign area per linear foot of building unit not to exceed thirty (30) square feet.
- c) Additional area for wall signs shall be permitted for corner lots when a building has a secondary building frontage. The additional sign area shall not exceed seventy-five percent (75%) of the maximum permitted area.
- d) A wall sign shall not project above the top of the wall nor beyond the ends of the wall to which attached.
- e) A wall sign shall not project more than fifteen (15) inches from the building surface.

D. Roof Signs

1. Residential Districts: Not Permitted

2. Non-Residential Districts: Roof signs in non-residential districts shall conform to the following:

- a) Shall be permitted only when the property owner can demonstrate to the Zoning Commission that no other sign is feasible due to the physically restrictive characteristics of the parcel to which the sign shall serve.
- b) No roof sign shall exceed fifty (50) square feet in sign area nor extend more than eight (8) feet above the front wall of the building on which it is erected. In no case, shall the maximum height of a roof sign exceed thirty (30) feet above ground level.

E. Projecting Signs

1. Residential Districts: Not Permitted

2. Non-Residential Districts: Projecting signs in non-residential districts shall conform to the following:
 - a) The maximum sign area shall be no more than twelve (12) square feet.
 - b) The sign shall project no more than four (4) feet from the façade on which it is attached.
 - c) The bottom of the sign shall have a minimum clearance of eight (8) feet above ground level.

F. Window Signs

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Window signs in non-residential districts shall conform to the following:
 - a) Window signs shall be permitted for each business provided the copy area does not exceed twenty-five (25%) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed one hundred (100) square feet.

G. Canopy/Marquee Signs

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Canopy/Marquee signs in non-residential districts shall conform to the following:
 - a) Marquee, canopy or awning signs shall be affixed flat to the surface and shall not rise above the vertical dimension above the marquee, canopy or awning. Such sign shall be limited to a maximum of ten (10) square feet in sign area.

H. Temporary Signs

1. Residential Districts: Temporary sign may be permitted in Residential Districts and shall conform to the following:
 - a) One temporary sign may be permitted for non-commercial special, civic, and institutional events for a period not to exceed thirty (30) consecutive days.
 - b) A temporary sign may have two sign face areas with a maximum sign face area of twelve (12) square feet.
2. Non-Residential Districts: Temporary sign may be permitted in Non-Residential Districts and shall conform to the following:
 - a) One temporary sign may be permitted for commercial, non-commercial special, civic and institutional events for a period not to exceed sixty (60) consecutive days.
 - b) A temporary sign may have two sign face areas with a maximum sign face area of twenty-four (24) square feet.

I. Banner Signs

1. Residential District- Not Permitted
2. Non-Residential Districts
 - a) Banner signs are permitted without a permit under the following guidelines; Banner signs must be mounted flat on the building or structure to which attached and secured as to limit the movement due to wind and other natural events. Banner signs that are faded or torn must

be removed or replaced. The total banner sign area of all banner signs placed shall not exceed sixty (60) square feet. Banner signs attached or affixed to a fence shall not exceed sixty (60) square feet per one hundred (100) linear feet of fence. The banner sign must not be displayed in such a way that it obstructs the view of vehicles entering or exiting the property.

J. Off-Premise Signs (Billboards)

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Billboards may be permitted in the Commercial and Industrial Districts and shall conform to the following:
 - a) The maximum size area for any one face of a billboard shall not exceed five hundred (500) square feet.
 - b) The maximum height of a billboard shall not exceed fifty (50) feet from established grade to the top of the sign structure.
 - c) Billboards shall not be located closer than one thousand (1,000) feet from another such billboard.
 - d) No billboard shall be permitted within three hundred (300) feet of any residential property or entrance to any public park, public or parochial school, library, church or similar institution.
 - e) Billboards shall be located a minimum of forty (40) feet from the street right-of-way line and one hundred (100) feet from the side and rear lot lines.

Exemptions

Signs that are exempt from the provision of these regulations shall be permitted, but shall not be illuminated nor animated unless as specifically provided and shall not extend nor be placed in a required right of way.

- A. Real estate signs not exceeding six (6) square feet in area in any Residential district (24 square feet in any other district) which advertise the sale, rental, or lease of the premises on which said signs are located and limited to not more than one such sign per use per each street front of the lot on which the sign is located. Open House signs may be permitted, but shall be erected no more than 5 days prior to and removed the day of the open house.
- B. Professional or occupational name plates not exceeding one (1) square foot in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- C. Occupational signs not exceeding two (2) square feet in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- D. Temporary signs not exceeding thirty-two (32) square feet in area denoting the architect engineer, or contractor when placed upon work under construction, to be removed upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- E. Memorial signs or tablets, names and buildings, and date of erection when cut in to any masonry surface or when constructed of bronze or other non combustible materials and limited to not more than one such sign per use per each street front of the lot on which

the sign is located.

- F. Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs. Non-advertising signs may be authorized by the Board of Appeals.
- G. The flag, pennant, or insignia of any nation, state, city, township or other political unit or any political educational, charitable, philanthropic, civic professional, religious or like campaign, drive, movement, or event.
- H. "No Trespassing" signs or other such signs regulating the use of a property such as "no hunting", "no fishing", etc. of not more than two (2) square feet in area and located no closer than one hundred (100) feet from another such sign.
- I. Changing of the advertising copy or message of an approved painted or printed sign.
- J. Poster signs when exhibited from inside a window.
- K. On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed after the sale.

Prohibited Signs

- A. Any helium gas and air balloons located on or attached to structures, vehicles, the ground, or anything connected to or on the ground.
- B. Signs that display any written or graphic message that is lewd, lascivious or obscene.
- C. Any sign, whether otherwise allowable or exempt under this Section, that constitutes a traffic safety hazard; obstructs the vision of motorists or pedestrians; interferes with any official traffic control devices; utilizes flashing or revolving red, green, blue, or amber lights; or utilizes the words "stop", "look", "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- D. Signs that contain any mirror or mirrored device.

Administration Procedures

Upon filing of an application for a sign permit, the Zoning Inspector shall examine the plans and specifications, and may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements these regulations and other applicable codes, a permit will be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly commenced within six (6) months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

Any sign subject to regulations by the Ohio Department of Transportation (ODOT) under Ohio Revised Code Chapter 5516 and which is required to obtain a state permit shall not be issued a zoning Certificate without evidence that the state permit has first been issued, or notification from ODOT that a state permit is not required.

An application for a sign permit shall be made to the Zoning Inspector and shall include the following:

- Detailed drawings of the sign showing the color, design, size, background, and material of the sign and the frame or structure;
- A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks.
- A permit fee for each sign application, pursuant to the current fee schedule.

Non-Conforming Signs

Any sign lawfully erected and in existence on the effective date of these regulations which does not meet the requirements may be maintained as a legal non-conforming sign provided it has not become a safety hazard.

Maintenance and Removal of Signs

All signs shall be maintained in good structural condition and in conformance with these regulations and all applicable building codes. The Zoning Inspector shall have the right to order the repair removal of any sign which is defective, damaged or substantially deteriorated.

When a sign is removed for any reason, a new permit for future installation of the sign shall be obtained, or all mast arms, guys of any nature, clips, brackets and all structures of the old sign shall be removed with the sign.

When a Zoning Inspector finds, upon investigation, that a sign endangers the public safety by reason of its location and placement; is dangerous or materially, electrically or structurally defective; has been abandoned, or for which no required permit has been issued, such sign shall be declared a public nuisance. The Zoning Inspector shall notify the owner of the sign and the owner of the land on which the sign is located, by certified mail, of such findings. Such notice shall advise the sign and property owners that the sign has been declared a public nuisance and shall be removed within thirty (30) days from the date of notification. Failure to remove the sign within the stated period shall constitute a violation of these Regulations.

The sign owners or property owners may appeal such decision to the Board of Zoning Appeals.

Definitions of Terms

The words, terms, or phrases used in this section shall be defined as follows:

Abandoned Sign- A sign which for a period of at least sixty (60) consecutive days no longer advertises or identifies a legal business establishment, product or activity.

Alteration- Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

Animated Sign- A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visible alters in appearance in a manner that is not permitted by these regulations.

Area of Sign- Refer to measurement standards.

Awning- A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Awning Sign- Any sign painted on or attached to or supported by an awning.

Balloon Sign- A lighter-than-air gas-filled balloon, tethered in a fixed location, that has a sign with a message on its surface or attached in any manner to the balloon.

Banner Sign- A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

Billboard or Poster Panel- An off-premise sign.

Building Frontage- The frontage of any building facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building units.

Building Frontage Length- Shall be the sum of all wall lengths parallel, or nearly parallel, to street frontage.

- For buildings with two or more street frontages, the length and allowable sign area shall be calculated separately for each such frontage.
- The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Building Identification Sign- Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

Canopy- A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Canopy Sign- Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy. **See Also Projecting Sign.**

Changeable Copy Sign- A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Construction Sign- A nonpermanent sign identifying the persons, firms or business directly connected with a construction project.

Directional Sign- A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

Freestanding Sign- Any sign which is permanently affixed in or upon the ground, and not attached to any building or structure, supported by one or more structural members. Free standing signs may consist of a variety of types including Low Profile Ground Mounted, Monument, Pole and Pylon.

Footcandle- A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Governmental Sign- A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Grade- The level of the site at the property line located at the closest distance to the sign.

Ground Sign- A freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structures. Such sign may also be known as a Monument sign.

Height of Sign- Refer to measurement standards in Section 101.

Holiday Decorations- Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Illegal Sign- Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.

Illuminated Sign- Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Instructional Signs- A sign clearly intended for instructional purposes, as determined by the Zoning Inspector, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.

Logo- An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Marquee- A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee Sign- Any sign painted on or attached to or supported by a marquee.

Monument Sign- See Ground Sign.

Mural- A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Neon Sign- A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Nonconforming Sign- A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

Off-Premises Sign- Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.

On-Premises Sign- Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

Pole Sign- A freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a Post sign.

Political and Noncommercial Signs- Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

Portable Sign- Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

Projecting Sign- A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

Pylon Sign- A freestanding sign supported by one (1) or more support structures enclosed with a pole cover, placed in or upon the ground surface and not attached to any building.

Real Estate Sign- Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Revolving or Rotating Sign- An animated sign.

Roof Sign- Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sign- Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign Face- An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Snipe Sign- A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.

Special Event Sign- Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

Temporary Sign- A sign which is neither permanently anchored to the ground or permanently affixed to a structure, nor mounted on a chassis, and is intended to be removed after a limited

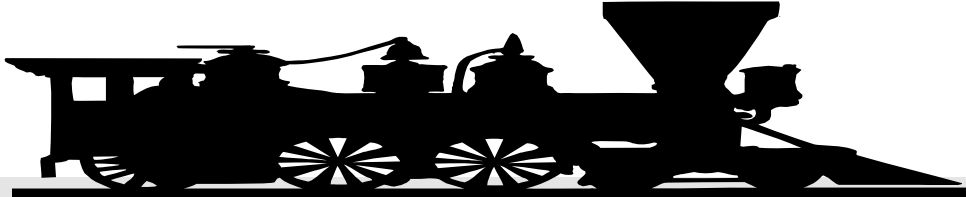
period of display.

Vehicle Sign- Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

Wall Sign- Any sign attached to or painted on the exterior wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window, Area of- The area of a single window includes all of the window panes in an area that is separated by mullions or other dividers which are less than 6 inches wide.

Window Sign- Any sign that is viewable through and/or painted or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.



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.
- E. Temporary outdoor portable sanitary facilities are permitted for the following purposes
 - (a) Outside sporting events;
 - (b) Outside special community events and promotions where indoor facilities are not available or adequate;
 - (c) Construction sites; and
 - (d) For businesses providing services at customers' outside sites and locations, where indoor sanitary facilities are not available, and the duration or nature of the service provided requires on site sanitary facilities.

The duration of the location of portable sanitary facilities shall not exceed the period of the event, construction or business services.

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.

- 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.

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

- | |
|--|
| <ul style="list-style-type: none"> • 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.
- 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 alteration 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.
- 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 no 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.
- 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.
- 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**.

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.

Purpose- The following standards provide the opportunity for property owners to erect fences for decorative, security and privacy, while assuring levels of aesthetic quality for the community.

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

- A.** For this resolution a fence will also encompass and be interchangeable to mean a wall, landscaping timbers or ties and a flowerbed constructed of any like materials, hedges, shrubs or any vegetation representing a living fence.
- B.** 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. (Does not include property declared agricultural see ORC Title (9) IX, Chapter 971 Fences).
- C.** No Fence shall exceed a maximum height of (6) six feet measured from the ground surface.
- D.** No fence shall be erected or maintained which obstructs the visibility of approaching traffic at intersections or adjacent property owner's driveways.
- E.** A fence may be erected in the side yards to adjacent property owners including from the building set back line to the road right of way.
- F.** The color, texture or structure of the fence shall be consistent on both sides of the fence, as well as in the complete construction of the fence, or any addition to the fence. In the case of a fence being discontinued, said fence will be repaired/replaced to best aesthetic and structural ability available to meet like conditions of existing fence.
- G.** Fences not finished on both sides will be constructed with the finished side facing away from the lot owners property.
- H.** All fences shall be constructed of standard fencing materials and made of good quality and durability, and maintained to the same standards.
- I.** A decorative landscaping fence may be located in front of a residential dwelling provided that it not exceed (4) four feet in height from the ground surface, and that it not obstructs the visibility of approaching traffic, at intersections or adjacent property owner's driveways.
- J.** No fence shall be constructed and/or erected as to prevent access to public utility meters.
- K.** Barbed and or razor wire are prohibited, except under agricultural uses as permitted under Ohio Revised Code fence laws or in Industrial Zones as for security purposes.
- L.** Electric fences are prohibited, except as agricultural use partition fence as permitted under the appropriate section of the Ohio Revised Code fence laws.
- M.** Snowdrift fencing shall only be used for retaining snowdrifts and shall only be permitted during snow season November 1st through April 1st.
- N.** Wire fence is permitted to restrain or prohibit wildlife around garden areas or for enclosing household pets, providing all above regulations are met.
- O.** Chicken wire fencing is prohibited, except for strictly agricultural purposes.
- P.** Nonconforming fences that are replaced may be installed in the same location as long as there is no additional fence added. The changing of materials or height does not constitute additional fence.
- Q.** Fencing connecting two (2) nonconforming fences is not required to conform to this Resolution, pertaining to the setback requirements provided no part of the fence is constructed on other properties.
- R.** This section does not apply to Dumpster Screening requirements.

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.

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 o f 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.

4. 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.

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 filling 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.

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)

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.

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.

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

- A. 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.

B. GAS AND OIL DRILLING REGISTRATION

1. The Township recognizes that pursuant to Chapter 1509 of the Ohio Revised Code, the Division of Mineral Resources Management of the State of Ohio (DMRM) has the sole authority to regulate permitting, location and spacing of Oil and gas wells in the State of Ohio as prescribed in said statutes. This Zoning Amendment supplements said regulations were permitted by law or not otherwise prohibited by law.
2. To maintain the health, safety and welfare of township residents, prior to commencement of drilling operations, registration with the Township Zoning Inspector is required. There will be a non-refundable fee to be set by the Township Board of Trustees and payable to the Township for the required registration.
3. All registrations shall include the following information and/or documentation:
 - a. Property owner's name, mailing address and contact phone number.
 - b. The name, address and contact phone number of the person, corporation, partnership, joint venture or other legal entity conducting the drilling and/or extracting operations on the owner's property site.
 - c. Site plan drawn to scale of the drilling and/or extraction site(s) showing the current property boundary lot lines, the proposed location(s) of the well drilling/extraction site(s), all permanent storage tanks, apparatus, appliances, equipment, utility installations, buildings, structures and other permanent items associated with the site(s).
 - d. Copies of all required federal and state (DMRM) permits.
4. Separate registrations are required for each oil and gas well.
5. No person, firm or corporation shall, within the limits of the Township, drill a new oil or gas well, drill an existing oil or gas well any deeper, or re-open an oil or gas well, convert an oil or gas well to any other than its original purpose, or plug back an oil or gas well to a source of supply different from the existing pool, without first completing the required registration.
6. Exploration and/or extraction of oil and gas, and the operation of wells shall be allowed in all districts as permitted by the Division of Mineral Resources Management of the State of Ohio (DMRM). No well shall be drilled nearer than

five hundred (500) feet from any inhabited private dwelling house; nearer than five hundred (500) feet from any public building which may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or public occupancy. This does not apply to a structure of building which is incident to the agricultural use of the land on which it is located, unless such building is used as a private dwelling house or in the business of retail trade. No new oil or gas well shall be nearer than one hundred (100) feet of another oil or gas well.

7. All oil and gas wells, storage tanks and separator units shall not be placed any Nearer than two hundred (200) feet of the right of way of a street or highway, or railroad tracks.
8. Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by a six (6) feet high chain link fence. All fences shall be kept in good repair until the well is abandoned and tanks have been taken out of service. All gates shall be padlocked. Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc., shall not be closer than seventy five (75) feet from any public right of way, fifty (50) feet from any property line, two hundred (200) feet from any private dwelling house, or five hundred (500) feet from any portable water well. Tanks may not exceed ten (10) feet in height, and must be painted and maintained.
9. No more than two hundred ten (210) barrel oil tanks shall be permitted at an oil and/or gas well site at any time. All oil and/or gas storage shall be considered an integral part of the well and therefore subject to the minimum site regulations set forth here and within Chapter 1501:09 of the Ohio Administrative Code and Chapter 1509 of the Ohio Revised Code.
10. Access to all wells and all support structures shall be by way of a driveway or access road which shall be constructed of slag, stone, or asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation. Driveways shall be a minimum of ten(10) feet wide, and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). Permanent drives shall serve both well and tank sites. Temporary driveways shall have an approach not less than forty (40) feet wide at the road which tapers to thirty (30) feet at the road right of way, extending no less than one hundred (100) feet onto private property. Such temporary driveways shall be constructed of crushed aggregate, stone or slag and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). All driveways and access roads shall have a metal gate or cable unless the property owner requests otherwise.
11. The above referenced driveway/access road shall have a culvert of sufficient diameter to carry all water coursing through the driveway and/or access

roadside ditch, and shall be forty (40) feet long and a minimum of twelve (12) feet wide. The driveway must be a minimum of fifty (50) feet from roadway intersections, and a minimum of fifteen (15) feet from lot lines.

12. All pipelines shall be buried a minimum of thirty (30) inches deep. Pipelines crossing under shall be installed by the boring method, with a bore of at least three (3) feet below the flow lines of all ditches.
13. No saltwater or other liquid waste shall be deposited on township roads or property. Prior to the surface disposal of salt water or other liquid waste on privately owned property within the township, the well owner shall obtain a Liquid Waste Disposal permit from the State Director of Environmental Protection. A copy of the liquid waste disposal plan shall be part of the registration with the Township.
14. No loading or unloading of oil, water or other materials is to be made from the roadway. Blocking of the roadway is prohibited.
15. The drilling area shall be maintained in a neat and orderly condition and, so far as practicable, all wheeled equipment is to be free of mud prior to entering the highway or road so that no deposit or debris is left on the highway or road. The drilling company shall be responsible for maintenance of the immediate well area and its associated facilities. This maintenance shall include trash and debris removal, landscaping and any necessary clean up in the case of a well malfunction. Restoration landscaping shall be completed within sixty (60) days after drilling has been completed.
16. No cleat track vehicles are allowed on township roads, except in cases of emergency or by advance written permission of the Township.
17. In addition to the registration information provided, the Owner and/or well driller shall post a conspicuous sign at the well site that includes the name(s) and emergency contact phone number(s) of the person(s) to contact, along with other pertinent information to aid safety forces in the event of an emergency.
18. All pertinent emergency shut-off valves shall be painted red and shall indicate The direction for turning said valve on and off.
19. No water trucks shall run on township roads during times when school Buses are picking up and dropping off students.
20. After drilling and fracturing stages are completed, the site shall be graded and landscaped to closely resemble the pre-existing condition of the site within sixty (60) days of completion of the drilling/fracturing.
21. The property owner or legal entity conducting the oil and gas drilling and/or extraction operations on the owner's property site, shall enter

into and execute a Road Use and Maintenance Agreement. Upon execution of said Agreement, a copy of the Road Use and Maintenance Agreement will be filed with the Trumbull County Engineer's Office by the township.

22. Permit fees for gas and oil wells, discovery wells, horizontal wells and injection wells will be established by the Board of Trustees.

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.
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

Definitions and Interpretations of Terms or Words- For the purpose of this resolution the following words and terms shall be defined and interpreted in accordance with the provisions set forth in this Section.

Rules of Interpretation- The following general rules of interpretation shall apply:

The particular controls the general.

In case of any difference of meaning or implication between the text of this resolution and the captions for each section, the text shall control.

The word “shall” is always mandatory. The word “may” is permissive. The word “should” indicates a preference.

Words used in the present tense include future, unless the text clearly indicates the contrary.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the text clearly indicates the contrary.

A “building” or “structure” includes any part thereof. A “building or other structure” includes all other structures of every kind, regardless of similarity to buildings.

The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Unless defined in this resolution, words and phrases shall be given their usual and customary meaning. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Words and Terms Defined

Accessory Use or Building- A use or building on the same lot with, and subordinate to, the principle use or building. Any structure designed or intended to be used for permanent or temporary residential use or for transporting materials on the highway shall not be used as an accessory building. An accessory use or building shall include, but not be limited to, fences, sheds, garages, parking areas, decks, pools, signs, docks, and billboards.

Adult Arcade- Any place to which the public is permitted and/or charged an admittance fee wherein coin-operated or slug operated or electronically, electrically, 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 the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.

Adult Bookstore- Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or image-producing devices, books, magazines, periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas.

Adult Cabaret- A nightclub bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

Adult Health Club- Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or employees appear in a state of nudity.

Adult Material- Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, photographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

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.

Adult Motion Picture Theater- A commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic representations are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas.

Adult Oriented Sexual Business- Any business or establishment which provides goods or services meeting the definition of adult material.

Agriculture- The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry and poultry products; dairy production;

the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the forgoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Airport- Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangers, and other necessary buildings and open spaces.

Alley- A public or private thoroughfare designed to provide access to the rear or side of property or lots.

Alteration, Structural- Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Antenna- Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment- A room or suite of rooms in an apartment house which rooms are arranged, intended, designed, and constructed to be occupied as a residence of a single family, individual, or group of individuals.

Apartment House/Townhouse/Villa- 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.

Automotive Repair- The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision services, painting, and steam cleaning of vehicles.

Automotive Service Station- Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for motor vehicles.

Automotive, Manufactured Home, Recreational Vehicle, and Farm Implement Sales and Service- The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, including repair work of such vehicles.

Automotive Wrecking- Same as “Junkyard”

Average Finished Grade Level- The average of the grade of the ground at all corners of a building or structure.

Bar, Saloon, Tavern/Nightclub- An establishment used primarily for the serving of liquor, including beer and wine, by the drink to the general public and where food may be served or sold only as necessary or secondary to the primary use. All activities and music shall be within a fully enclosed building.

Basement- A story, all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bathroom- A room within a structure containing at least a washbasin, water basin, and water closet, and a permanently installed tub or shower bath.

Beach- A nearly level stretch of pebbles and/or sand beside a body of water that may be artificially created or created by the action of water.

Beacon- Any light with one or more beams directed into the atmosphere or directed at one or more points that are not in the same zone as the light source; including any light with one or more beams that rotate or move.

Bed and Breakfast Inn- An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and one (1) meal only is provided; the entire service to be included in one (1) stated price.

Billboard/Signboard- Any sign used as an outdoor display for the purpose of anything known, the location of such display being removed from the point of sale.

Boarder- A person furnished with food and lodging, or food at another's house at a stated charge, one who rents a room or lodging.

Breezeway- An accessory building for the purpose of connecting the principal building on a lot with other accessory buildings. For the purpose of this resolution, a "breezeway" shall NOT be used to connect an accessory building to a principal building if the accessory building without the breezeway would violate any other provision of this resolution. The breezeway may be enclosed or not enclosed.

Buffer- A planting, screen, and/or aesthetically approved fence on a strip of land separating one parcel from another.

Buildable Area- The area of a lot remaining after the minimum required yards and open space requirements of the zoning resolution have been met.

Building- Any structure consisting of foundations, walls, columns, girders, beams, floors, and roofs, or any combination thereof, designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Community- A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain. Designation as a community building shall not permit any use, structure, or activity not otherwise permitted in the District.

Building Height- The vertical distance measured from the finished grade around the building to the highest point of the roof. The building height will be measured by averaging the height measured at the four corners of the house.

Building Line- See “Setback Line”

Building Material Sales/Storage Yard- A building or open area of land where pre-manufactured or processed materials used in the construction of agricultural, residential, commercial, industrial buildings or structures are offered for sale.

Building, Principal- A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Width- The shorter or shortest dimension of a dwelling unit including enclosed living spaces, enclosed porches and breezeways, permanent expandable living quarters, attached garages, and the like. The width must continue a minimum of twenty (20) feet in depth.

Business- The purchase, sale, or exchange of goods, or services and the maintenance or operation of offices and recreational and amusement enterprises.

Business, General- Commercial uses which generally require locations on or near major thoroughfares and which tend, in addition to serving day to day needs of the community, to supply the more durable and permanent needs of the community.

Business, Neighborhood- Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Neighborhood business includes only those activities that employ a total of less than eight (8) persons and occupy a total floor area of less than four thousand (4,000) square feet.

Business, Recreational- Commercial establishments which generally cater to the tourist population of the township, normally on a seasonal basis, and not operated as a year round use.

Cabins, Cottages- Detached buildings used for recreation purposes and not for year round occupancy.

Campgrounds- An area or resort for temporary recreational use by vacationers or others, and which provides for the parking or placement of temporary dwelling structures and recreational vehicles for overnight shelter, but is not limited to this definition.

Cemetery- Property used for the interring or burying of the dead.

Channel- A natural or artificial watercourse of perceptible extent, with beds and banks to confine and conduct continuously or periodically flowing water.

Child Day Care Center- Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school children, and school

children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption, for any part of the twenty-four hour day in a building, place, or residence other than the child's own home.

Church- A building or group of buildings that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Club- The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and activities.

Clinic- Any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.

Cluster Housing Community- A parcel of land developed with one and two-family dwellings located on separate building lots where flexible spacing of lots and buildings are permitted in order to encourage:

- A. The creation of functional and interesting residential areas.
- B. The provision of readily accessible recreation areas and open spaces.
- C. The conservation of the natural amenities of the landscape.

Commercial- Same as "Business"

Commercial Amusement Enterprise- An establishment engaged in providing short-term amusement/arcade activities for a fee including arcades, game rooms and the like.

Commission- Shall mean the zoning commission of Bazetta Township.

Community Sanitary Sewage Treatment System- A system, including pipelines or conduits, pumping stations, force mains, treatment plants, lagoons and all other constructions, devices, appurtenances and facilities used for the collection, treatment and disposal of water-borne sewage as regulated by Chapter 6111 of the Ohio Revised Code.

Community Water Supply- A system, including the collection, treatment, storage, and distribution facilities, for the provision of piped water for human consumption. Such system shall have at least fifteen service connections or regularly service at least twenty-five individuals. The system shall comply with all of the requirements of Chapter 6109 of the Ohio Revised Code.

Composting Facility- A facility for the controlled process of degrading organic matter by microorganisms. The facility must meet the guidelines of and be registered or licensed by the Ohio EPA.

Concrete Pad (for Manufactured Home)- A slab of reinforced concrete construction ten (10) feet wide and fifty-eight (58) feet long, and being at least four (4) inches thick.

Conditional Uses- A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only

where there is a specific provision for such conditional use made in the Resolution. A conditional use is not considered to be a non-conforming use.

Conditional Zoning Certificate- A certificate issued by the zoning inspector upon approval by the township board of zoning appeals for a conditional use.

Condominium- A dwelling unit which is part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.

Condominium Development- A condominium property in which two (2) or more individual dwelling units, together with undivided interests in the common areas and facilities of the property are offered for sale.

Condominium Property- All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all articles of personal property submitted as required by Section 5311 of the Ohio Revised Code.

Condominium Unit- A part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated on the required drawings.

Construction- The placing of construction materials in a permanent position and fastened in a permanent manner.

Continuing Care Retirement Community- Any age-restricted development, with minimum of twelve (12) dwelling units, which may be in any housing form, including detached and attached dwelling units, apartments, continuing care/congregate care facilities, assisted living facilities, nursing homes, rest homes, and service support areas required for the development such as recreation, health, dining, housekeeping, social and transportation facilities. Age-restricted development shall mean a development restricting residential use to persons sixty-two (62) years of age or older, or any person under sixty-two(62) years of age who is handicapped such that his/her physical impairment is of a long term duration and impedes his/her ability to live independently.

Contractor's Establishment- A facility operated by an individual, group of individuals, or companies that furnish materials or perform services at a specified site and limited to building construction activities only.

Converse Condominium Development- Condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.

Conversion- The changing of the original purpose of a building to a different use.

County- Means Trumbull County, Ohio.

Crematory- A building or structure housing a furnace used for reducing a dead body to ashes by the action of fire.

Cul-de-sac- A street of short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Curb Grade- The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer may establish such grade for the purpose of this Resolution.

Customary Home Occupation- An occupation that does not involve sale of tangible goods, but rather a rendering of a service, not performed on the property unless in accordance with “Home Occupation”.

Dangerous Pets- Predatory: Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts or pry in manners which could cause serious injury or death to humans. Nuisance: Animals, birds, or reptiles which emit noises or odor of an offensive nature beyond the residential property of the owner. 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. Refers to any animal, reptile, bird, fish, or insect, which is trained, restrained, confined, and cared for in any way which demonstrates and which poses a threat of physical harm to humans, or which creates a nuisance to the neighborhood.

Day Spa- An establishment licensed by the State of Ohio offering a variety of personal health and beauty related services, including weight reduction and hair styling, but expressly excluding any adult regulated uses.

Deck- A roofless or roofed, floored structure, typically with a railing, that adjoins and is usually attached to a building and is structurally supported on posts, piers, walls or similar methods.

Density- The number of trailer lots, manufactured homes and/or dwellings units that can be developed on a given area of land. Submerged land under 574 feet above sea level shall be included in complying with the density requirements of the Resolution only for so much of the submerged land over which the development or project is actually constructed.

Discovery Well- The first well capable of producing oil or gas in commercial quantities from a pool.

District- A portion of the township shown on the zoning map within which zoning regulations apply as specified in this resolution.

Drive-In-Theater- An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Driveway- A private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

Dwelling/Dwelling Unit- A building, or portion thereof, designated, used, and intended to be used exclusively for permanent residential occupancy and excluding units designed for transients, recreational vehicles, and vehicles or residences designed to be moved. A manufactured home shall be considered a dwelling as specified in this Resolution. Overnight rental and occupancy of dwelling units shall be prohibited.

Dwelling/Multi-Family- A building or portion thereof, designed, used and intended to be used for permanent occupancy by three (3) or more families living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Condominiums shall be considered multi-family dwellings.

Dwelling/One-Family- A detached building designed for occupancy by one (1) family, only and always used by the same occupants, for a continual period of not less than thirty (30) days.

Dwelling/One-Family Temporary Use- A detached building designed for occupancy by one (1) family only and used by the same occupants, who are not the owners, for periods of not less than three (3) consecutive days and not more than thirty (30) consecutive days.

Earth Disturbing Activity- Any grading, filling, excavating or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion or sediment pollution.

Easement- Authorization by a property owner for the use by another party, and for a specific purpose, of any designated part of his property.

Entertainment Device Establishments- Establishments where entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices, and the person may be given anything of value by the operator of the establishment, whether the giving occurs on or off the premises or at the same time or a later time. Entertainment device arcades may include, but are not limited to internet cafes, cyber-cafes or lounges, internet sweepstakes business, video sweepstakes, video gaming arcades, electronic gaming operations, or other similar establishment.

Erosion- The process by which the land surface is worn away by the action of water, ice, wind or gravity.

Family- Up to (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five (5) above eighteen (18) year of age, exclusive of live-in employees. Not more than five (5) persons living together in a supported living arraignment under Ohio Revised Code 5126.01 and other applicable statutes and administrative regulations, exclusive of live-in caregivers. Family Shall Not Include: a society, club, fraternity,

sorority, association, lodge combine, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature and/or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm Market- For the purpose of this resolution, means the use of any property for a market where fifty (50) percent or more of the gross income received from the market is derived from agricultural products raised on property owned, operated or leased by the property owner in a normal crop year.

Fence- A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of posts and wires, boards, metal, living materials, brick, stone and/or plastic or similar durable materials. Decorative structures not designed as barriers shall be included.

Finished Grade Level- The elevation of the finished grade of the ground adjacent to a building or structure.

Fireworks:

1.4G Consumer- NFPA 1124 3.3.30.1 small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC), as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation Fireworks, Novelties, and Theatrical Pyrotechnics.

1.3G Display- NFPA 1124 3.3.30.2 large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

Fishing Business- An establishment primarily engaged in providing opportunity for fishing including the sale of related products.

Flea Market- An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floor Area- The sum of the gross horizontal area of all floors, excluding basement areas and other areas not used for permanent occupancy or use. Calculation of floor area shall include only those areas used for living purposes; garages, carports, patios, and other such areas should be excluded from said calculation.

Food Processing- The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.

Foundry- An establishment employing the art, process or act of casting materials.

Frontage- See “Lot Frontage”.

Game Room/Arcade- A room in which three (3) or more percentage of games, such as pin ball, pool, video, computer and similar devices played on any mechanical or electronic devices are located for use by the general public.

Garage, Private- An accessory building or a portion of a principal building used for the parking or storage of vehicles.

Garage, Public- A principal or accessory building other than a private garage used for the parking or storage of vehicles.

Garage Sale- 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.

Garage, Service/Repair- Buildings and premises where motor vehicle accessories may be supplied and dispensed including motor vehicle repair, but excluding automotive wrecking.

Gasoline Filling Station- See “Garage, Public & Garage, Service”.

Gazebo- A freestanding roofed structure open on the sides, similar to a pavilion.

Glare- The sensation produced by luminance within the visual field that is sufficiently greater than the luminance which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Glare, Direct- The glare resulting from the human eye being able to see the light emitting portion of a light fixture.

Golf Course- A tract of land laid out for at least three (3) holes for playing the game of golf and improved, with any tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Golf Driving Range- A tract of land used for the practice of hitting golf balls.

Government Building- A building or structure, owned and/or operated by a political subdivision.

Green Space- The percent of area that is not included under lot coverage. An area left undisturbed or undeveloped or maintained as open space for fulfilling a requirement.

Grocery Store- A retail store selling meat, fruit, vegetables, breads, dairy products, minor household supplies, beverages including beer and wine, and other foods, all for use or consumption off the premises.

Hazardous Waste- Substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties may be detrimental or deleterious to the

health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques.

Historical Site- A structure or place of outstanding historical and cultural significance and designated as such by the county, state, or federal government.

Home Occupation- An occupation conducted in a dwelling unit as a secondary use in connection with which there is no person employed other than members of the family residing on the premises, provided:

- A. Such occupation is conducted wholly within the dwelling;
- B. Floor area devoted to such use does not exceed twenty-five (25) percent of the total ground area occupied by all buildings on the lot;
- C. Such use is not objectionable due to noise, hour of operation, traffic generated or hazardous, or noxious process;
- D. Adequate provisions for parking is assured; and
- E. Signs are provided as indicated in accordance to this Resolution.

Horizontal Well- A well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.

Hospital/Emergency Care Facility- A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis and including ancillary services for outpatient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.

Hotel/Motel- Any structure consisting of one or more buildings, with more than five (5) sleeping rooms kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less.

Indoor Theater- A building, or portion thereof, devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Industrial Park- A tract of land that is planned, developed, and operated as an integrated facility for a number of individual uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.

Industrial Unit- A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101:2-98 of the Ohio Basic Building Code. Verification of whether the unit is an industrial unit or dwelling as approved by the State of Ohio can be made by the Trumbull County Building Inspection Office. The industrial unit must be located on an individual lot upon a permanent foundation in compliance with this Resolution.

Injection Well- Is a bored, drilled, or driven shaft, or a dug hole that is deeper than it is wide, an improved sinkhole, or a subsurface fluid distribution system. It's device that places fluid deep underground into porous rock formations, such a sandstone or

limestone, or into or below the shallow soil layer. These fluids may be water, wastewater, brine(salt water), or water mixed with chemicals.

Institution- A building occupied by a non-profit corporation or a non-profit organization.

Internet Café/Internet Sweepstakes Business- An establishment that sells consumers internet time and/or phone cards/phone time, and offers computers, machines or other devices where customers can redeem the internet time or phone card/time to play sweepstakes or other games that offer prizes, or where the purchase of the internet time or phone card time enters the consumer into a sweepstakes.

Intersection- The junction of any two (2) or more dedicated and accepted public streets in Bazetta Township.

Junk- Any waste, discarded or salvaged materials including, but not limited to , scrap metal, building materials, batteries, glass, paper, plastic, rags, rope, rubber, cordage, barrels, piles of rotting wood, machinery, and dismantled or wrecked vehicles or parts thereof.

Junk Vehicle- Any vehicle that meets all of the following criteria.

1. It is three (3) model years old or older.
2. It is apparently inoperable.
3. It is extensively damaged, including, but not limited to, any of the following:
missing wheels, tires, engine, or transmission.

Junk Yard- An establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

Kenel- Any lot or premises on which four (4) or more domesticated dogs and cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, bought, or sold for commercial gain and which offers provisions for minor medical treatment.

Landing Strip- Any runway and necessary taxiway areas for the use of no more than two (2) aircraft that are privately owned and used exclusively for the landing of crop dusting and similar function aircraft.

Landscaped Area- An area improved only with materials defined as “landscaping” and maintained in a controlled manner.

Landscaping- The exterior installation of any living plant material such as trees, plants, grass, shrubs, flowers, and other natural vegetative cover; and may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflecting pools and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands,

trees, shrubs, and similar living plant material, but, must follow all applicable regulations contained in this resolution.

Landscaping Business- A commercial use which provides landscaping services, or the sale at retail of sod, trees, shrubs, plants or other material for landscaping purposes, and/or facilities for the maintenance and storage of equipment and material used for landscaping.

Light Trespass- Light emitted by a lighting installation which falls outside the boundaries of the lot on which the installation is sited.

Line of a Building- A line of a building or “building line” whenever 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.

Loading Berth or Space- An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot- A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have improved frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record or portions of lots of records, or of portions of lots of record.

Once declared, such uses shall be identified in the zoning permit and none of these lands shall be sold separately, unless all parcels created by said division meet the minimum zoning size requirements for the zoning district in which they occur.

Lot Coverage- The ratio of enclosed ground floor area of all buildings, principal and accessory, on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage- The width of the lot at the street right-of-way. For the purpose of determining yard requirements on corner lots, all sides of a lot adjacent to the street shall be considered frontage, and yards shall be provided as indicated under “Yard” in this Resolution.

Lot Lines- A front lot line or “front property line” or “property frontage” 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: A rear lot line or “rear property line” 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 the 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 lot, with two (2) sides of which are bounded by margins of intersecting dedicated public highways.

Lot, Minimum Area of- The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or easement of record required for public water, sanitary sewer, or storm sewer.

Lot Measurements- A lot shall be measured as follows:

A. Depth: The distance between the mid-points of a straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

B. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record- A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types- Terminology used in this Resolution with reference to corner lots, interior lots, and through lots, (double-frontage lots) is as follows:

A. Corner Lot: a lot located at the intersection of two (2) or more streets;

B. Interior Lot: a lot with only one (1) frontage on a street; and

C. Through (Double-Frontage) Lot: a lot other than a corner lot with frontage on more than one (1) street.

Manufactured Home- A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Park- Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadways, buildings, structures, vehicles, or enclosures used/intended for use as part of the facilities of said park.

Manufactured Home Subdivision- A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local governmental authority.

Manufacturing, Heavy- Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready to access to regional transportation; and normally generate some nuisances such as smoke,

noise, vibration, dust, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light- Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within closed structures, and generating little industrial traffic and no nuisances.

Marina- A boat basin that has docks or moorings for seven (7) or more watercraft as defined in Section 1547.01 of the Ohio Revised Code, “Marina” does not include:

A. Docks or moorings contiguous to a private residence and used only by the occupant of that residence and his non-paying guests; and

B. Any boat basin located on waters where the watercraft used is normally unsuited for the installation of permanent sanitary systems.

Massage- Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or simulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

Massage Establishment- Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service.

Masseur or Masseuse- Any individual who performs massages at a massage establishment.

Metal Stamping- An establishment, within an enclosed building, employing a device or instrument used for making a permanent or lasting imprint on metal.

Minerals- Substances or materials excavated from natural deposits on or in the earth.

Mini-Warehouse- A structure containing separate storage spaces usually containing about thirty (30) to four hundred (400) square feet each with direct access to paved driveways, leased, rented, or sold on an individual basis for the storage of non-hazardous personal goods, and not exceeding twenty (20) feet in height.

Miniature Golf- A facility, usually consisting of nine (9) or eighteen (18) holes, where individuals use a putter to hit a golf ball into a designated hole.

Monument- A statue, pillar, or other non-habitable structure erected in memory of the dead or of a person or event.

Motel/Hotel- Any structure consisting of one or more buildings, with more than five (5) sleeping rooms kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less.

Motor Vehicle- A motor vehicle as defined in the Ohio Revised Code.

Non-Conforming Uses- A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nude or Nudity- Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a full opaque covering on any part of the nipple.

Nursing Home- A home or facility for the care of the handicapped, aged, or ill persons in which three (3) or more persons are housed and cared for, and which may be operated for commercial gain.

Nursery School- An establishment designed to provide care or instruction of two (2) or more children who are not residents of said establishment which is operated on a regular basis whether for commercial gain or not.

Nursery, Plant Materials or Greenhouse- Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space- An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pool, tennis courts, any other recreational facilities deemed permissible. Streets, structures for habitation, submerged land, and the likes shall not be included.

Parking Area or Lot- An open area, other than a private parking area, street or alley used for the parking of vehicles and available for public and quasi public use.

Parking Space, Off-Street- For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way, and meeting all requirements of the Ohio Revised Code.

Patio- A paved/concrete structure without a roof and open on the sides.

Pavilion- See “Gazebo”

Personal Services- Establishments that are primarily engaged in providing services generally involving the care of a person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Place of Worship- See “Church”

Planned Unit Development- An area of a minimum contiguous size of ten (10) acres to be planned and developed as a single entity and containing one or more types of residential development. Appropriate commercial, public or quasi-public uses may be included if such uses are primarily for the benefit of the residential development and if it is approved as part of the overall development plan.

Playfield- Lands used and equipped for athletics.

Playground- Lands used and equipped for recreation, especially for children.

Porch- A structure with a roof attached to the principal dwelling or accessory structure that adjoins an entrance. Placement of the porch shall not violate any other provisions of this resolution.

Printing Shop/Publishing- A commercial facility where documents are impressed with ink or similar substance resulting in a permanent copy of something.

Professional Activities- The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Propane Storage Facility- A facility where two thousand (2000) gallons or more of liquefied petroleum gases are stored for the purpose of distribution or sale to others.

Public Community Facility- Any facility owned and operated by a government agency for use by the general public.

Public Park- Land owned by a government entity which has been designated for a park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open spaces, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, County, or State.

Public Utility- As defined in this Resolution.

Quarrying- A place where rock, ore, stone, or similar materials are excavated for sale or for off-site use.

Radio- The communication of impulses, sounds, and pictures through space by electromagnetic waves.

Recreational Camp- An area of land located, established, and maintained for occupancy by three (3) or more recreational vehicles as defined herein which are regularly accommodated with or without charge. No recreational vehicle within a camp shall be occupied on a permanent basis. Such camp shall include any building, structure, or fixture or equipment that is used or intended to be used in connection with providing such accommodations.

Recreational Facility- A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Commercial- A recreation facility operated as a business and open to the public for a fee.

Recreation Facility, Private- A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

Recreational Vehicle- Defined as and including the following:

A. Travel Trailer (including 5th wheels): A vehicle portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation use and not exceeding thirty-five (35) feet in length.

B. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.

C. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.

D. Folding Tent Trailer: A canvas folding structure mounted on wheels and designated for travel and vacation use.

E. Boats and Boat Trailers: Includes boats, floats, rafts, personal watercraft, and the normal equipment required to transport the same on the highway.

Research Laboratories- An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

Resort- A mixed-used facility for transient guests where the primary attraction is recreational features and activities, but which offers lodging accommodations through cabins, cottages, recreational vehicles, tents, and the like.

Restaurant- An establishment where food and drink for sale to the general public is prepared, served, and consumed on the premises. Any entertainment or music, associated with the restaurant, must be within a fully enclosed building.

Rest Home- A structure operated for profit, in favor of the care of aged or infirmed persons.

Riding Stable- Any land or structure used for the care and grooming of horses or ponies for which consideration is offered or received.

Right-of-way- All land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

Riparian Area- The transition area between flowing water and terrestrial ecosystems that may be composed of trees, shrubs and surrounding vegetation which serve to stabilize

erodible soil, improve both surface and ground water quality, increase shading and enhance wildlife habitat.

Riparian Setback- The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this resolution.

Road- See “Street”

Roadside Stand- A structure designed or used for the display or sale of agricultural and related products provided some of the products are raised by the owner or person farming the property on which the stand is located.

Rock Crusher- Any piece of equipment used to pulverize or reduce to smaller particles rocks or stones.

School- Any public or private educational facility, including but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

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.

Setback Line- A line established on a lot, at a specified distance from the parallel to a side or rear lot line, or in the case of a front yard, parallel to the road right-of-way or the water’s edge, to restrict the encroachment of buildings on the line, except as otherwise provided herein.

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 assessments being collected by Trumbull County.

Sexual or Genital Area- Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

Sexually Oriented Business- An adult arcade, adult bookstore, adult cabaret, adult health club, and adult motion picture theater or any establishment providing goods or services related to adult material.

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

Sign- Any device designed to inform or attract the attention of persons.

A. Permanent Sign- Any free-standing, non-movable sign not affixed to a building or structure.

B. Temporary Sign- Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event or election.

C. Portable Sign- Any sign or advertising display designed to be moved and requiring little or no permanent affixation to a building, structure, or the ground.

D. Identification Sign- Any sign giving the nature, logo, trademark or other identification symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where the building, business, development, or establishment is located.

E. Directory Sign- Any sign which directs attention to a business, commodity, service, or entertainment conducted at a location other than the premises on which the sign is located, but within five (5) miles of the sign's locations.

F. Wall Sign- A sign painted on the surface of an outside wall of a building or attached parallel and close to such surface and not extending beyond it.

Shop- A small retail establishment offering a specialized line of goods and services or handicraft items including such facilities as hobby, bicycle, plumbing, etc.

Spa- See "Day Spa"

Specified Anatomical Areas- Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Slaughter House- An establishment where animals are butchered.

Specified Sexual Activities- Includes any of the following:

A. The fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts;

B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated, or

D. Excretory functions as part of or in connection with any of the activities A-C above.

Storage Area- Any area, building, lot or facility designed, adapted, or used for the storage of more than three (3) boats, trailers, campers, recreational vehicles, boat trailers, and/or boat cradles for periods in excess of seven (7) consecutive days.

Storage Container/Portable- A container of multiple sizes, designed, rented or leased for the temporary storage of commercial, industrial or residential goods that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis and "POD" type boxes that can be transported on a flatbed or other truck; but does not include prefabricated sheds

that are not designed for transportation after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

Story- That part of a building between the surface of the floor and the ceiling immediately above it.

Street- A public or improved private thoroughfare other than an alley, for the purpose of this Resolution, the word “street” shall include the words “road”, “lane” and “highway”.

Structural Alteration/Change- Any change in or addition to the supporting members of a structure, such as bearing walls, beams, foundations, columns or grinders.

Structure- Anything constructed, placed, or erected, the use of which requires location on the ground or attached to something on the ground.

Substantial Evidence- More than a mere scintilla of evidence. It means enough evidence that any reasonable person can accept it.

Substantial Progress- Any construction, reconstruction, repair, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the estimated total cost of such project, and completed within a specified time frame.

Swimming Pool- A permanent or semi-permanent structure, either above or below the surface of the ground, for the purpose of holding water for recreation or therapeutic purposes. This definition shall not apply to wading pools or other similar structures less than eighteen (18) inches in depth. The construction material is not significant.

Tavern/Nigh Club- See Bar, Saloon, Tavern/Night Club.

Temporarily Inactive Well- A well that has been granted temporary inactive status under section 1509.062 of Revised Code.

Temporary Building/Structure/Use- A building, structure, or use established for a fixed period of time with the intent to remove the building/structure or discontinue the use upon the expiration of the time period. Welcome centers, sales offices, information centers, etc. are included herein.

Townhouse- Same as Dwelling, Multi-Family.

Trailer Camp- Same as Recreational Camp.

Unnecessary Hardship- When the zoning regulation, when viewing the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private property.

Use- The specific purpose for which land or a building is designated, arranged, intended, or for which it is maintained.

Variance- A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle- An automobile, truck, bus, van, trailer, camper, or boat secured to a trailer, and that which is mobile and has wheels, tracks, etc. for mobility.

Veterinary Clinic or Animal Hospital- A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for their treatment, observation and/or recuperation.

Warehouse- A building used primarily for the storage of goods and materials.

Warehouse Business- An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Well- (As defined in ORC 1509.01) Is any borehole, whether drilled or bored, within the state for production, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

Wind Farm, Small- A wind powered electric generating facility, consisting of two or more wind turbines, whose main purpose is to supply electricity with a single interconnection to the electric grid, and designed for or capable of operating at an aggregate capacity of less than five (5) megawatts.

Windmill, High Impact- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity greater than one hundred (100) kW.

Windmill, Low Impact- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

Yard, Front- A yard extending across the full width of the lot between the nearest front main building and the street right-of-way; the depth of the front yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the street right-of-way line. For lots fronting two streets, the lot with the traditional front entrance door shall be considered the front lot.

Yard, Rear- A yard extending across the full width of the lot between the nearest rear and building and the rear lot line. The depth of the rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present.

Yard, Required Front- The open space between the front lot line and the beginning of the building area, established by the setback dimensions of each district. Such required front yard is unoccupied and unobstructed from the ground upward, except for accessory buildings and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

Yard, Required Rear- The open space between the rear lot line and the beginning of the building area, established by the setback dimensions of each district. Such required rear yard is unoccupied and unobstructed from the ground upward, except for accessory buildings and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

Yard Required Side- The open space between the front side line and the beginning of the building area, established by the setback dimensions of each district. Such required side yard is unoccupied and unobstructed from the ground upward, except for accessory building and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

Yard, Side- A yard between a main building and the side lot line extending from the front yard or from lot line when no front yard is required to the rear yard. The width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Zoning Certificate/Permit- A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

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)

(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;

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

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**)

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.

THIS SECTION IS SPECIFICALLY DESIGNED FOR COMMERCIAL ZONES (C)

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. Ruiter; 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. Ruiter, J. C. Ruiter, and L. Ruiter; 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 or 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.

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 (VI)

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)

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 fro 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)

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 & Pannoazzo – 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)

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)

COMMERCIAL 34:

Masters, Richard & Joyce –Part of Section 54 –1.248 acres at intersection of Wilson-Sharpsville 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)

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)

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)

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 Section48 – 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)

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)

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.

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.

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.

SECTION 34: DEMOLITION/DECONSTRUCTION

The partial or complete demolition or deconstruction of any structure within Bazetta Township requires a Demolition Permit, issued by the Township Zoning Inspector. Contractors shall, at time of filing, provide proof of insurance and a performance bond in the amount determined by the scope and cost of the demolition/deconstruction project. Commercial and Industrial Structures have special requirements, as detailed below.

1. **Commercial Structures:**

- A. Commercial Structures require a Phase 1 Environmental Site Assessment, as defined by ASTM Standards Designation: E 1527-05, which is used for

conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601) and petroleum products. Phase 1 identifies Recognized Environmental Conditions (REC).
- B. The Phase 1 Environmental Site Assessment shall be completed prior to the start of the demolition/deconstruction project, with an emphasis on identifying potential asbestos and/or lead based paint. If the contamination(s) found in potential demolition debris are in some form of metal, such as steel structural components, lead pipes or electrical component, these components, may be recycled as scrap metal without abatement, even if these components are coated with lead based paint. All above ground RECs including but not limited to lead paint and asbestos must be abated during the course of the demolition according to and following EPA standards.
- C. The term “Recognized Environmental Conditions” (REC), means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws.

2. **Industrial Structures:**

- A. Completion of the Phase 1 Environmental Site Assessment for Commercial
- B. If REC is identified on site, a Phase 2 Environmental Site Assessment, as defined in ASTM Standards Designation E 1903-97, must be completed prior to the start of the demolition/deconstruction project.
- C. The primary objectives of conducting a Phase 2 Environmental Site Assessment are to evaluate the recognized environmental conditions indentified in the Phase 1 Environmental Site Assessment for the purpose of providing sufficient information regarding the nature and extent of contamination to assist in making informed decisions about the property.
- D. If there is the presence of one or more REC or evidence of asbestos or lead based paint contamination from the required assessments, the property owner of record must abate the contamination(s) prior to the issuance of the Demolition Permit, or as a prerequisite to the issuance of the Demolition/Deconstruction Permit.

3. **Other Requirements:**

- A. Prior to or in conjunction with the issuance of the Demolition Permit, the property owner of record and/or demolition contractor must meet any other federal, state, or local requirements as applicable to the project.
- B. Once the demolition/deconstruction project has been completed, the premises must be cleared of all demolition debris. Demolition debris includes, but is not limited to: nonhazardous, uncontaminated material resulting from construction, remodeling, repair, or demolition of utilities, structures, and roads. Bricks, concrete, and other masonry materials such as soil, rock, wood including nonhazardous painted, treated, and coated wood and wood products. Wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, reclaimed asphalt pavement, glass, plastics that do not conceal waste, electrical wiring and components that do not contain hazardous substances, piping metal and/or materials incidental to any of the materials above.
- C. The premises shall be restored to an agriculturally friendly condition or to a condition suitable for new construction to occur, as decided on a case by case basis, after the appropriate site inspection and review by the Zoning Inspector and Commission. All required safety precautions such as fencing off the public access shall be performed by the appropriate contractor during demolition and restoration or reconstruction, if any.
- D. A site inspection by the Township Fire Chief or his/her designee and/or the Township Zoning Inspector shall be completed upon completion of the demolition/deconstruction project to ensure that no nuisance issues exist.

E. Demolition Permits expire within six (6) months of the date of issuance.